

# Adams County Legal Journal

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## CONTINUING LEGAL EDUCATION PROGRAMS

### NOTICE TO THE ADAMS COUNTY BAR

Because of low attendance in recent months, the Pennsylvania Bar Institute has adopted a policy to cancel programs when the pre-registration does not justify the direct costs. Accordingly, P.B.I. anticipates that video replays may be canceled in the coming months. P.B.I. will cancel programs ten days before the presentation if there are less than two persons pre-registered by that time. You are encouraged to register early with P.B.I. If you intend to register at the door, you may wish to call P.B.I. customer service at 800-247-4724 to insure that the program is being presented.

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## CONTINUING LEGAL EDUCATION PROGRAM

### *Collecting & Enforcing Judgments*

October 4, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

### *The Individual In Bankruptcy*

October 11, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

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

**NOTICE:** P.B.I. will cancel any program which does not have at least two persons pre-registered at least 10 days in advance.

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

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Biglerville, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stake for a corner on the West curb line of Fourth Street; thence with said curb line, South 2-1/4 degrees West, 60 feet to a stake at a twelve foot Public Alley; thence with said Alley and Lot No. 11, North 87-3/4 degrees West, 155 feet to a stone at a fourteen foot Public Alley; thence with said last mentioned Alley and land now or formerly of Clarence Roth North 2-1/4 degrees East, 60 feet to a stake; thence by lot now or formerly of John Fohl (Lot No. 9), South 87-3/4 degrees East, 155 feet to a stake on the aforesaid curb line, the place of BEGINNING. KNOWN AS LOT NO. 10.

TITLE TO SAID PREMISES IS VESTED IN Matthew M. Becker and Katrina K. Becker, husband and wife by Deed from Chrystal L. Baker, a Single Woman dated 10/16/98 and recorded 10/20/98 in Record Book 1685, Page 18.

SEIZED and taken into execution as the property of **Matthew M. & Katrina K. Becker** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, 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 parcel of land situate in Huntingdon Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Route 502 (Fickes School Road) at land of Richard P. Fallinger; thence in the center of the Fickes School Road North 30 degrees 54 minutes 20 seconds East, passing under an existing R.E.A. over electric line utility easement, 272.05 feet to a point at other land of Charles S. Scott et. ux.; thence along land of Charles S. Scott et. ux. South 59 degrees 30 minutes 00 seconds East, passing through a set concrete monument 25.00 feet from the beginning of this course, 210.00 feet to a set concrete monument; thence along other land of Charles S. Scott et. ux., South 30 degrees 54 minutes 20 seconds West, passing under the aforesaid R.E.A. easement, 272.05 feet to a set steel pin at land of Richard P. Fallinger; thence along land of Richard P. Fallinger, North 59 degrees 30 minutes 00 seconds West, passing through a found steel pin 20.93 feet from the end of this course, 210.00 feet to a point in the center of the Fickes School Road, the place of BEGINNING.

CONTAINING 1.3153 acres.

THE above description was taken from draft of survey prepared by Theodore A. Docker, Professional Land Surveyor, dated 10-16-05 plat of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 142.

HAVING erected thereon a dwelling known as 267 Fickes School Road, York Springs, PA 17372.

Parcel # 16-32.

BEING the same premises which, Charles S. Scott and Permelia E. Scott, husband and wife by deed dated December 13, 1985 and recorded on December 13, 1985 in Adams County, Pennsylvania, in the Recorder of Deeds Office in Deed Book Volume 415, page 550, granted and conveyed unto Daniel

J. Price and Beatrice M. Price, husband and wife as tenant of an estate by the entirety.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 22, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

## APPEAL OF SMITH

1. An abuse of discretion occurs if the board's findings are not supported by substantial evidence; that is, such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

2. To obtain a special exception under a zoning ordinance, there must be a showing that the use is allowable under the terms of the ordinance. Once an exception is granted, the burden shifts to objectors to rebut the presumption by proving to the board to a high degree of probability that the proposed use will substantially affect the health, safety and welfare of the community.

3. In the absence of definitions within the ordinance, the term (education) is to be determined broadly.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 00-S-791, APPEAL OF MICHAEL L. AND EDITH C.  
SMITH FROM THE DECISION OF THE ZONING HEARING  
BOARD OF BONNEAUVILLE BOROUGH.

Ross H. Pifer, Esq., for Intervenors

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

Spicer, P.J., December 27, 2000.

### OPINION ON ZONING APPEAL

Michael L. and Edith C. Smith (Appellants) appeal from a decision of the Zoning Hearing Board of Bonneauville Borough (Board) which granted a special exception to Karl B. and Julie A. Orndorff (Applicants) permitting the continued operation of a hobby blacksmith shop with certain conditions. The Orndorffs have intervened in this appeal and are the only defending party.

The special exception<sup>1</sup> sought by the applicants was in response to a cease and desist order issued by the Borough's Zoning Officer for allegedly operating a commercial business in an R-S District, a violation of the Borough's Zoning Ordinance. The Board held a hearing on July 6, 2000 and found that applicants purchased the subject property in 1978; and since 1978 or 1979, have operated a blacksmith workshop in a shed on the property. In 1980, the applicants built their current residence on the property. Applicants spend a few hours a week in the shop, primarily in the evening and on weekends. No retail sales occur from the shop. Items produced are sometimes sold at craft shows or given to charitable or not-for-profit organizations.

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<sup>1</sup>A special exception is not an exception to the zoning ordinance, but rather a permitted use to which the applicant is entitled unless the Board determines that the proposed use would adversely affect the community. *Sunnyside Up Corporation, infra.*

The shop is equipped with nineteenth century equipment for use and display purposes. Various groups such as civil war re-enactors, boy scouts and school children tour the shop.

Appellants are owners and residents of an adjacent property since December, 1999. It was appellants' complaint to the Borough that resulted in the issuance of the cease and desist order. During the Board hearing, appellants complained about the business nature of the shop and the noise and unpleasant odor from the burning forge. On appeal to this court, appellants contend the Board abused its discretion and committed an error of law when it granted the special exception arguing that applicants did not meet their burden of proof by demonstrating the shop met one of the delineated exceptions under the zoning ordinance.<sup>2</sup> Counsel for appellants argued that the scheduling notice for the hearing indicated that the hearing was for a

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<sup>2</sup>Part 6, § 601 the Bonneauville Borough Zoning Ordinance provides:

Permitted Uses. In R-S Residential Districts only the following shall apply:

A building may be used, erected, or altered and a lot or premises may be used for any of the following purposes, subject to off-street parking regulations as set forth in Part 5:

- A. One family detached dwellings.
- B. Educational, religious or philanthropic use, in each case when authorized as a special exception.
- C. Public utility structures, including telephone, gas, and electric municipal structures and structures used for, or in conjunction with, municipal recreation programs; when authorized as a special exception; provided the architecture is in harmony with the established trend for the districts; and in residential districts, no public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews will be permitted.
- D. Agricultural uses are permitted as an interim use of land except no structure for sheltering animals and/or poultry or storage of manure shall be permitted within two hundred (200) feet of a residential lot line.
- E. Home occupation, to include among others, professional offices, within a dwelling when such use is secondary and incidental to the major residential use of the structure; and further provided that no more than (1) employee other than the residents of the dwelling shall be permitted. Off-street service and parking area shall be required. Signs indicating home occupations shall be as indicated in Part 4, § 401(7).
- F. Signs, see Part 4 hereof.
- G. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

variance, not a special exception, and therefore a new hearing should be granted so that a proper defense can be prepared.

We find counsel's claim as to the notice waived since counsel did not request a new hearing or claim to be prejudiced by it at the zoning board hearing. Pa. R.A.P. 302.

As to the remaining claims, since we have not taken additional evidence, our scope of review is limited to determining whether the Board committed a manifest abuse of discretion or an error of law by granting the exception. *Limley v. Zoning Hearing Board*, 533 Pa. 340, 625 A.2d 54 (1993). An abuse of discretion occurs if the board's findings are not supported by substantial evidence; that is, 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, 462 A.2d 637 (1983). To obtain a special exception under a zoning ordinance, there must be a showing that the use is allowable under the terms of the ordinance. *Camp Ramah in the Poconos, Inc. v. Zoning Hearing Board of Worcester Township*, Pa. Cmwlth., 743 A.2d 1019 (2000). Once an exception is granted, the burden shifts to objectors to rebut the presumption by proving to the board to a high degree of probability that the proposed use will substantially affect the health, safety and welfare of the community. *Sunnyside Up Corporation v. City of Lancaster Zoning Hearing Board*, Pa. Cmwlth., 739 A.2d 644 (1999), *alloc. Dn. Pa.*, 758 A.2d 666 (2000).

The Board found that the use of applicants' shed as a blacksmith shop was educational and philanthropic in nature and that the use was compatible with permitted uses within the R-S district. Appellants argue that to be educational, a regular, recurring curriculum should be in place. However, appellants have not cited to authority supporting this proposition. In the absence of definitions within the ordinance, the term education is to be determined broadly. *Dale v. Zoning Hearing Board of Tredyffrin Township*, 91 Pa. Cmwlth. 220, 496 A.2d 1321 (1985). Our Supreme Court has defined the word education as:

“The word taken in its full sense, is a broad, comprehensive term, and may be particularly directed to either mental, moral or physical faculties, but in its broadest and best sense it embraces them all, and includes, not merely

the instructions received at school, college, or university, but the whole course or training — moral, intellectual and physical.” *Appeal of Gilden*, 406 Pa. 484, 492, 178 A.2d 562, 566 (1962).

It is not unreasonable that the board found based on the evidence of record that the blacksmith shop falls within these bounds.

Likewise it was not error or an abuse of discretion for the board to find that appellants have not met their heavy burden of proving that the blacksmith workshop will substantially affect the health, safety and welfare of the community. Testimony from appellants at the hearing was limited to complaints about the business nature of the workshop, the “smell” of the forge and the noise from pounding on the anvil. The board concluded that the smell and noise may be an irritation, and appropriately imposed conditions on the hours for burning and hammering within the shop.

Accordingly we enter the attached order.

#### ORDER

AND NOW, this 27th day of December, 2000, the July 8, 2000 decision of the Zoning Hearing Board of the Borough of Bonneauville is affirmed.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-444 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Hamiltonban Township, now known as Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 6 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 7; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet of lands of Harry M. Slonaker; thence by said lands North 64 degrees 43 minutes 12 seconds West 100 feet to Lot No. 5; thence by said lot North 25 degrees 16 minutes 48 seconds East 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail South 64 degrees 43 minutes 12 seconds East 100 feet to the point and place of BEGINNING.

Subject to restrictions as set forth in Record Book 477 at page 724.

TITLE TO SAID PREMISES IS VESTED IN Howard L. Weikert and Tammy J. Weikert, husband and wife, as tenants of an estate by the entireties by deed from Mark A. Smoot and Dianna M. Smoot, husband and wife dated 4/10/97 and recorded 4/17/97 in Deed Book 1356 Page 306.

SEIZED and taken into execution as the property of **Howard L. & Tammy J. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-506 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described two (2) tracts of land, with the improvements thereon erected, situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

**TRACT NO. 1:** BEGINNING for a corner at an iron pin at the Northwest corner of lands now or formerly of Lester G. Mummert and Julia L. A. Mummert, his wife; thence along said lands, South twenty (20) degrees twenty-five (25) minutes East, sixty-three and five-tenths (63.5) feet to an iron pin at a corner of lands now or formerly of Mummert and lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife; thence along said Hoover's land, South seventy (70) degrees West, two hundred eighty-seven and two one-hundredths (287.02) feet to an iron pin at lands now or formerly of Howard Wetzel; thence along said Wetzel's land, North nineteen (19) degrees West, forty-nine and five-tenths (49.5) feet to an iron pin at lands now or formerly of Edna F. Krug, of which this tract was a part; thence along said Krug's land, North sixty-seven (67) degrees thirty-three (33) minutes East, two hundred eighty-five and five-tenths (285.5) feet to an iron pin, the place of BEGINNING. (The above description, courses and distances were taken from a survey made by Donald W. Resh, Registered Surveyor, bearing date June 9, 1956.)

**TRACT NO. 2:** BEGINNING for a corner at a steel pin set on the Southern line of other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, at the western end of an eighteen (18) feet right of way as herein extended; thence along lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife, South seventeen (17) degrees East, twenty-four and five one-hundredths (24.05) feet to a steel pin at lands now or formerly of Raymond Kline; thence along said Kline's land, South seventy-seven (77) degrees fifteen (15) minutes West, one hundred ninety-three and three one-hundredths (193.03) feet to a steel pin at lands now or formerly of Howard Wetzel; thence along other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, North seventy (70) degrees

East, one hundred ninety-two and eight-tenths (192.8) feet to a steel pin and the place of BEGINNING. (The above description, courses and distances were taken from a survey made by J. H. Rife, Registered Engineer, bearing date November 15, 1958.)

TITLE TO SAID PREMISES IS VESTED IN Thomas E. McDaniels, Jr. by Deed from Joseph E. Gichner, unmarried and Grace E. Gichner, unmarried dated 7/26/1988, recorded 7/29/1988, in Record Book 496, Page 29.

Premises being: 1320 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. #L-13-53

SEIZED and taken into execution as the property of **Thomas E. McDaniels, Jr.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 15, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

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

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

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-27 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, 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 the Township of Tyrone, County of Adams and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Rupp Road (T-564), said point marking the common place of adjoiner of Lots #3 and #4 on the hereinafter mentioned plan of subdivision with the centerline of said roadway; thence departing from the centerline of Rupp Road, and extending along Lot #4, South 63 degrees 41 minutes 30 seconds East, through a steel pin set on the Southeasternmost dedicated right of way line of Rupp Road, a distance of 25.00 feet from the origin of this call, for a total distance of 250 feet to a steel pin; thence extending South 26 degrees 18 minutes 30 seconds West, for a distance of 106.67 feet to a steel pin at Lot #2 on the hereinafter mentioned plan of subdivision; thence extending along Lot #2, South 76 degrees 12 minutes 5 seconds West, through a steel pin set on the Easternmost dedicated right of way line of Rupp Road, a distance of 11.31 feet from the terminus of this call, for a total distance of 209.55 feet to a point near the Eastemside of the cartway of Rupp Road, at lands now or formerly of Buddy H. Rupp; thence extending in and through the cartway of Rupp Road, North 16 degrees 40 minutes 10 seconds West, for a distance of 90.06 feet to a point in the centerline of said Rupp Road; thence extending in and along the centerline of Rupp Road by an arc or curve to the right having a radius of 293.35 feet, a chord bearing of North 13 degrees 36 minutes 50 seconds East, for an arc distance of 130 feet to a point in the centerline of said roadway; thence continuing in and through the centerline of Rupp Road, North 26 degrees 18 minutes 30 seconds East, for a distance of 50.00 feet to a point in the centerline of said roadway at Lot #4 on the hereinafter mentioned plan or subdivision, said point marking the place of BEGINNING.

CONTAINING 1.023 acres to the property lines and centerline of Rupp Road and being designated as Lot #3 on a final plan of subdivision of Foxwood, prepared for Harry H. Fox, Jr., by Rodney Lee Decker & Associates, dated August 14, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 34, at Page 51.

BEING KNOWN AS 351 Rupp Road, Gettysburg, PA 17325

## PROPERTY ID# H6-75-1.02

TITLE TO SAID PREMISES IS VESTED IN S & A Custom Built Homes, Inc., by deed from Vern W. Creighton and Millicent K. Creighton, husband and wife dated 4/24/96 and recorded 5/6/96 in Deed Book 1188 Page 228.

SEIZED and taken into execution as the property of **Robert L. & Janet L. Ruhlman and S & A Custom Built Homes, Inc.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 22, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION  
NO. RT-18-01-(A)

TO: DOMINGO PEREZ

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 4, 2001, at 10:00 a.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

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

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

9/7, 14 & 21



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-421 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, 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 Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at side of public road, South fifty-two and one-half degrees East, thirty-six and six tenths perches to a post at lands of Mrs. Shorfy and P. D. Swisher; thence by land of said Swisher, North thirty-eight degrees East, three tenths of a perch to a post; thence by same South fifty-seven degrees East, one and two tenths perches to a post; thence by same course four and three tenths perches to a corner; thence by lands of Sabina Patterson North thirty and one-fourth degrees East, sixty-four and nine tenths perches to a stone near a rock; thence by same, North twenty-four and three fourths degrees West, twenty-one and two tenths perches to a stake; thence by land of Mrs. D. B. Young North seventy-seven and three fourths degrees West, thirty-two and eight tenths perches to a stone; thence by lands of Mrs. Raphael Shorfy, South twenty-three degrees West, sixty-five perches to the place of BEGINNING. CONTAINING twenty acres of land, neat measure.

LESS, HOWEVER, those four (04) tracts of land previously conveyed by Richard C. Hankey and Mary C. Hankey as follows:

1. Being the same premises which the parties of the first part by their deed dated December 8, 1941, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 197, page 47, granted and conveyed unto William H. Horner and Helen E. Horner.

2. Being the same premises which the parties of the first part by their deed dated April 4, 1953, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 202, page 92, containing 4 acres 151 perches, granted and conveyed unto Harry Thomas and Grace Thomas.

3. Being the same premises which the parties of the first part by their deed dated September 18, 1954 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 207, page 503 containing 32 perches more or less, granted and conveyed unto Harold D. Hankey and Delores M. Hankey.

4. Being the same premises which the parties of the first part by their deed dated

September 10, 1955 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 211, page 49, containing 12 acres 65 perches, granted and conveyed unto Robert G. McGlaughlin and Frances E. McGlaughlin.

HAVING ERECTED THEREON a dwelling known as 85 Blacksmith Shop Road, Gettysburg, Pennsylvania.

BEING THE SAME PREMISES WHICH Betty Louise Plank, Charles F. Tressler and Phyllis June Heintzelman, Co-Executors under the Last Will and Testament of A. Idella Tressler, by their Deed dated March 30, 1999 and recorded April 5, 1999 in Adams County Deed Book 1801, Page 216, granted and conveyed unto Christopher J. Wotjkowiak.

SEIZED IN EXECUTION AS THE PROPERTY OF CHRISTOPHER J. WOTJKOWIAK UNDER ADAMS COUNTY JUDGMENT NO. 01-S-421.

MAP & PARCEL #F 15-21.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 15, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is south six (06) degrees thirty (30) minutes East, five (05) feet from

the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

BEING KNOWN AS 660 Littlestown Road, Littlestown, PA 17340

PROPERTY ID# 00-S-268

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 and recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

9/7, 14 & 21

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

BEGINNING at a point in the center of Township Road Rt. 416 at the Southwestern corner of Lot No. 3, thence in the center line of Township Road Rt. 416 by a curve to the left, the radius of which curve is 100 feet, the long chord of which is South 27 degrees 40 minutes 11 seconds West, and the chord distance of which is 34.23 feet, for an arc distance of 34.37 feet; thence in said Township Road Rt. 416, South 17 degrees 44 minutes 08 seconds West, 151.63 feet to a point in the center of Township Road Rt. 416; thence along the lands of the grantor passing through an iron pipe which is set back 16.90 feet from the corner, North 38 degrees 55 minutes 26 seconds West, 406.37 feet to an iron pipe; thence along other lands of said grantor, North 53 degrees, 37 minutes 18 seconds East 173.66 feet to an iron pipe located at the corner of the lands of grantor; thence along lands of grantor, South 16 degrees 13 minutes 38 seconds East, 181.20 feet to an iron pipe; thence along lands of grantor, South 60 degrees 58 minutes 35 seconds East, 145.18 feet passing through an iron pipe which is set back 18.00 feet from the center of Township Road Rt. 416, to the place of BEGINNING. CONTAINING 1.000 Acres.

IMPROVEMENTS CONSIST OF A PERMANENTLY ATTACHED MOBILE HOME.

Map #: G14-17B

BEING KNOWN AS: 135 Clapsaddle Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **James Andrew Racine, Et Al** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, 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.

## 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 FLORENCE E. CONGDON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory L. Reynold, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

## ESTATE OF MARGIE E. HARTMAN, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrices: Joan L. Rice, 81 Excelsior Road, Biglerville, PA 17307; Nadine M. Thompson, Box 367, R D 2, Mt. Pleasant Mills, PA 17853

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

## ESTATE OF THELMA L. HOLTRY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Drucinda S. Miller, 8170 Orchard Road, Thomasville, PA 17364

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

## ESTATE OF HELEN F. MURTOF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Paul E. Walck, Sr., 2840 Old Harrisburg Road, Gettysburg, PA 17325; John Lee Walck, Sr., 5445 Bino Road, Greencastle, PA 17225

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

## ESTATE OF JESSIE E. SANDERS, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Co-Executors: Lois S. Stultz, 270 Stultz Road, Fairfield, PA 17320; James L. Sanders, 351 E. Main Street, Emmitsburg, MD 21727

Attorney: Tracy M. Sheffer, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

## SECOND PUBLICATION

## ESTATE OF PHILIP BLAZER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda J. Lundberg, Asst. V.P., PNC Bank, P.O. Box 308, Camp Hill, PA 17001-0308

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

## ESTATE OF HAROLD M. DICKERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: John H. Dickert, 5362 Lehman Road, Spring Grove, PA 17362; William H. Dickert, 2610 Rosegarden Blvd., Mechanicsburg, PA 17055

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

## ESTATE OF PAULINE H. FISSEL a/k/a PAULINE W. FISSEL, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Tracy S. Wyatt, 1996 Wenksville Rd., Biglerville, PA 17307

Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

## ESTATE OF DOROTHY L. REINDOLLAR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Jane Shildt, 11 Walnut Street, Littlestown, PA 17340

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

## ESTATE OF KAY F. ZINN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executors: Christine Hughes, 17 East Locust Lane, New Oxford, PA 17350; Sarah Heasley, 406 North Street, McSherrystown, PA 17344; Katrina Wright, 6721 Chambersburg Road, Fayetteville, PA 17222; Donald C. Zinn, II, 196 South Hickory Lane, New Oxford, PA 17350

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

## THIRD PUBLICATION

## ESTATE OF GRACE G. ESHLEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leon I. Butler, 200 East Market Street, York, PA 17403

Attorney: Terence J. Bama, Esq., P.O. Box 5185, 135 North George Street, Suite 303, York, PA 17405-5185

## ESTATE OF PAUL J. FORSYTHE, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Melburn K. Forsythe, 94 Meadow View Road, York Springs, PA 17372

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

## ESTATE OF PAUL B. LEGORE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Richard P. Legore, 18 North Main Street, Spring Grove, PA 17362; Robert C. Legore, 355 Third Street, Hanover, PA 17331; Anthony J. Legore, 1 Caribou Street, Hanover, PA 17331

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

## ESTATE OF BETTY L. MEGONNELL, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Teena L. Megonnell, aka Teena L. Hoff, 112 Stoney Point Road, New Oxford, PA 17350

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

## ESTATE OF BERNICE R. MILLER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executrices: Linda S. Mowrer, 307 Fulton Street, Hanover, PA 17331; Susan E. Meckley, 565 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

## ESTATE OF LINDA T. MILLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Karen E. Lopez, 603 Huntover Lane, Frederick, MD 21703; James T. Yingst, Esq., 40 York St., Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Guthrie & Yingst, 40 York St., Hanover, PA 17331

(continued on page 8)

**THIRD PUBLICATION (continued)**

**ESTATE OF WILLIAM L. POIST, DEC'D**

Late of the Borough of McSherrystown,  
Adams County, Pennsylvania

Executrix: Grace Krumrine Marrero,  
P.O. Box 459, Thomasville, PA 17304

Attorney: Neil W. Yahn, Esq., James  
Smith, Durkin & Connelly, LLP, 134  
Sipe Avenue, Hummelstown, PA  
17036

**ESTATE OF PAMELA SUE RHOADES,  
DEC'D**

Late of Germany Township, Adams  
County, Pennsylvania

Administrator: Clyde W. Vedder, c/o  
Mark David Frankel, Esq., P.O. Box  
1389, York, PA 17405-1389

Attorney: Mark David Frankel, Esq.,  
P.O. Box 1389, York, PA 17405-1389

**ESTATE OF CLAIR J. STAUB, DEC'D**

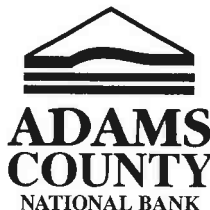
Late of Hamilton Township, Adams  
County, Pennsylvania

Executrix: Kim M. Staub, P.O. Box  
1389, York, PA 17405

Attorney: Mark David Frankel, Esq.,  
P.O. Box 1389, York, PA 17405-1389

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# *Adams County* **Legal Journal**

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## **NOTICE TO ALL ATTORNEYS PRACTICING BEFORE THE COURT OF COMMON PLEAS OF ADAMS COUNTY**

The Court is changing the procedure for arguments, bench trials, and motions for summary judgment. Local Rules of Court No. 210 and 212 have been rewritten, and Local Rule of Court No. 1035.3 is being deleted. Some of the major changes include, but are not limited to, the following:

- A. Under Rule 210, Argument Court Days will no longer be listed in the Court Calendar. Instead, oral argument will be scheduled when appropriate by the Judge to whom the issue or case is assigned. The manner of judicial assignment, the location of the argument list, and the praecipe requirements and its inclusions are spelled out in the revised Rule.
- B. Rule 212 sets forth the requirements for pre-trial, the method of assignment of bench trials to Judges, the manner and maintenance of the pre-trial conference schedule by the Prothonotary, the general authority of the conference Judge, the contents necessary for the pre-trial memorandum and the manner of priority and listing for the trial schedule.
- C. Rule 1035.3 is being deleted because experience has shown that treating motions for summary judgment the same as preliminary objections may lead to confusion.

**BAR MEMBERS CAN VIEW THE FULL TEXT OF THESE RULE CHANGES AT THE PROTHONOTARY'S OFFICE. THE RULES WILL BECOME EFFECTIVE 30 DAYS AFTER PUBLICATION IN *THE PENNSYLVANIA BULLETIN*.**

9/14

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## CONTINUING LEGAL EDUCATION PROGRAMS

### NOTICE TO THE ADAMS COUNTY BAR

Because of low attendance in recent months, the Pennsylvania Bar Institute has adopted a policy to cancel programs when the pre-registration does not justify the direct costs. Accordingly, P.B.I. anticipates that video replays may be canceled in the coming months. P.B.I. will cancel programs ten days before the presentation if there are less than two persons pre-registered by that time. You are encouraged to register early with P.B.I. If you intend to register at the door, you may wish to call P.B.I. customer service at 800-247-4724 to insure that the program is being presented.

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### CONTINUING LEGAL EDUCATION PROGRAM

#### *Collecting & Enforcing Judgments*

October 4, 2001 - 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 5, Ethics - 1

#### *The Individual In Bankruptcy*

October 11, 2001 - 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 5, Ethics - 1

#### *Handling Cases Under the Post-Conviction Relief Act*

October 22, 2001 - 9:00 a.m. - 11:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 2, Ethics - 0

#### *Internet Gambling — A Growing Concern*

November 1, 2001 - 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 0, Ethics - 1

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

**NOTICE:** P.B.I. will cancel any program which does not have at least two persons pre-registered at least 10 days in advance.

## BREWER VS. HILDREW ET AL

1. A party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim of defense of any other party....

2. It is not ground for objection that the information will be inadmissible at trial if "the information sought appears reasonably calculated to lead to the discovery of admissible evidence."

3. A party may obtain documents regarding any matter whether it relates to the claim or defense of the party seeking discovery as long as it is not privileged. Federal income tax returns are not privileged. "...Federal income tax returns retained by a taxpayer are not privileged where the taxpayer has put his earning capacity in issue."

4. A loss of \$327,987.00 due to a loss of household services due to Decedent's death...is an issue of expenses, not decedent's income, and therefore the tax returns are not relevant.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 99-S-604. PAUL BREWER, PERSONAL REPRESENTATIVE OF THE ESTATE OF BARBARA BREWER, DECEASED, AND PAUL BREWER, INDIVIDUALLY, VS. LANCE HILDREW, D.O., RUSSELL HESS, D.O., AND GETTYSBURG HOSPITAL.

Richard Oare, Esq., Jonathon Schochor, Esq., and Philip C. Federico, Esq., for Plaintiffs

Lauralee Baker, Esq., Evan Black, Esq., John R. Kantner, Esq., and Andrew Briggs, Esq., for Defendants

Bigham, J., December 29, 2000

### OPINION ON DEFENDANTS' JOINT MOTION TO COMPEL DISCOVERY

#### BRIEF STATEMENT OF FACTS

This is a medical malpractice action where the Plaintiff alleges the Defendants negligently failed to diagnose a blood clot in Plaintiff's Decedent's leg which eventually caused her death. Plaintiff is the surviving husband of decedent and the Administrator of the Estate of Barbara Brewer, deceased. Plaintiff brings this action on behalf of Decedent's Estate for damages suffered by the Estate as a result of Decedent's death as well as for pain, suffering and inconvenience Decedent underwent prior to her death.

On July 9, 1997, Decedent, a 63-year-old female, presented herself to Gettysburg Hospital emergency room with difficulty breathing, having fainted at home. The Decedent complained of syncope/near-syncope, with a blood pressure of 190/108. According to Decedent's age and history, she was at a significant risk for atherosclerotic disease. Plaintiff avers that this history was provided to Defendant Hildrew, a licensed osteopathic doctor at Gettysburg Hospital, who treated Decedent at the time at Defendant Gettysburg Hospital.

Plaintiff alleges the standard of care applied to all Defendants and required a different diagnosis and appropriate tests and studies on an emergency basis to rule out pulmonary embolism, a condition which can cause death if no proper diagnosis and intervention is provided. Plaintiff alleges the Defendant doctors and Defendant Hospital failed to perform the appropriate tests and studies to exclude pulmonary embolism. Further, Plaintiff alleges Decedent was suffering from deep vein thrombosis in her left leg which should have been detected. Plaintiff alleges the deep vein thrombosis was the source for her pulmonary embolism and if Defendants performed a proper examination, it would have been discovered. Decedent was discharged from Defendant Hospital with a diagnosis of hypertension on July 9, 1997. On July 7, 1997 and July 10, 1997, Decedent presented herself to Defendant Hess advising him of her history of syncope, shortness of breath, her hospitalization and the pain in her left leg. Plaintiff alleges in paragraphs 21 and 22 respectively of the Complaint,

“The Defendants violated the prevailing standards of care by failing to take an adequate history, failing to perform a complete physical examination, and failing to obtain appropriate diagnostic tests and studies with which to make a diagnosis. The Defendant Hildrew simply diagnosed hypertension, and negligently discharged her with no appropriate diagnosis and no required treatment.”

“As the direct and proximate result of these Defendant's negligence, Decedent suffered cardiopulmonary arrest due to pulmonary embolism, and died a frightening and painful death. A subsequent autopsy confirmed the fact that Mrs. Brewer died as the result of the pulmonary embolism from her deep vein thrombosis.”



Plaintiff alleges as a direct and proximate result, Decedent suffered great pain, suffering and inconvenience, and great emotional and psychological distress from July 9, 1997 to July 13, 1997, the date of her death. Plaintiff asserts the marriage and marital relationship he enjoyed with Decedent was destroyed and he has sustained the following: pecuniary loss, pain and suffering, loss of society and companionship, advise and counsel, medical bills, funeral expenses and expenses of administration of the Estate of Decedent.

On or about July 9, 1999, Defendant Hess served upon Plaintiff Interrogatories and Requests for Production of Documents. Plaintiff failed to respond to Interrogatory #30, which requested Federal Income Tax Returns for the five (5) years prior to the death of Plaintiff's decedent. Defendants request production of the federal income tax returns because Plaintiff served a report titled "Assessment of Economic Loss" in which Plaintiff contends a total economic loss of \$327,987 due to a loss of household services. Defendants argue that Plaintiff's claim of economic loss made relevant the issue of what employment Plaintiff had prior to her death. The issue before the Court is should an Order be entered compelling Plaintiff to sufficiently and completely answer discovery regarding tax documents, or upon failure to do so, suffer appropriate sanctions, including preclusion at trial of any evidence or documents concerning matters set forth in the economic discovery.

#### LEGAL DISCUSSION

The scope of discovery is discussed in Pa.R.C.P. 4003.1. The rule states,

"A party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, ... including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter."

Pa.R.C.P. 4003.1(a).

It is not ground for objection that the information will be inadmissible at trial if “the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” Pa.R.C.P. 4003.1(b).

Plaintiff argues the tax returns do not have any relevance in this case and Defendants’ Joint Motion to Compel Discovery must be denied. According to Pa.R.C.P. 4003.1(a), a party may obtain documents regarding any matter whether it relates to the claim or defense of the party seeking discovery as long as it is not privileged. Federal income tax returns are not privileged. Standard Pennsylvania Practice 2d, Volume 6, §34:41. It has been held that “Federal income tax returns retained by a taxpayer are not privileged where the taxpayer has put his earning capacity in issue.” *McDonough v. Linton’s Lunch*, 10 D & C.2d 528, 531 (1956). In the case at bar, Plaintiff provided Defendants with an Assessment of Economic Loss claiming a loss of \$327,987.00 due to a loss of household services due to Decedent’s death. This ... is an issue of expenses, not decedent’s income, and therefore the tax returns are not relevant.

Therefore, the tax returns of Decedent for the past 5 years are not discoverable by Defendants.

Accordingly, the Attached Order is entered.

#### ORDER

AND NOW, this 29th day of December 2000, Defendants’ Joint Motion to Compel Discovery is Denied.

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Wednesday, September 26, 2001, at 9:00 o'clock a.m.

**CAREY**—Orphans' Court Action Number OC-81-01. The First and Final Account of Shirley Y. Carey, Executrix of the Estate of William E. Carey, deceased, late of Aspers, Menallen Township, Adams County, Pennsylvania.

**DUTTERER**—Orphans' Court Action Number OC-84-01. The First and Final Account of Karl H. Silex, Executor of the Estate of Reba J. Dutterer, deceased, late of Oxford Township, Adams County, Pennsylvania.

**WILDASIN**—Orphans' Court Action Number OC-92-01. The First and Final Account of Elsie M. Amspacher and Robert Amspacher, Jr., Co-Executors of the Estate of Reida G. Wildasin, deceased, late of Oxford Township, Adams County, Pennsylvania.

**SITES**—Orphans' Court Action Number OC-94-01. The First and Final Account of Clair L. Sites, Administrator of the Estate of Richard M. Sites, deceased, late of Hamiltonban Township, Adams County, Pennsylvania.

**BITTINGER**—Orphans' Court Action Number OC-95-01. The First and Final Account of C. Richard Hartman and Jay H. Hartman, Co-Executors of the Will of Roberta F. Bittinger, deceased, late of Franklin Township, Adams County, Pennsylvania.

**WUEGER**—Orphans' Court Action Number OC-96-01. The First and Final Account of John I. Mowery, Executor of the Estate of Charles L. Wueger, deceased, late of Oxford Township, Adams County, Pennsylvania.

**FLICKINGER**—Orphans' Court Action Number OC-99-01. The First and Final Account of Robert B. Flickinger and Larry F. Flickinger, Executors of the Estate of Bernadette M. Flickinger, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

**TOCCO**—Orphans' Court Action Number OC-100-01. The First and Final Account of Paula K. Alameda, Executrix of the Estate of Pauline E. Tocco, deceased, late of Reading Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

9/14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-444 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Hamiltonban Township, now known as Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 6 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 7; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet of lands of Harry M. Slonaker; thence by said lands North 64 degrees 43 minutes 12 seconds West 100 feet to Lot No. 5; thence by said lot North 25 degrees 16 minutes 48 seconds East 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail South 64 degrees 43 minutes 12 seconds East 100 feet to the point and place of BEGINNING.

Subject to restrictions as set forth in Record Book 477 at page 724.

TITLE TO SAID PREMISES IS VESTED IN Howard L. Weikert and Tammy J. Weikert, husband and wife, as tenants of an estate by the entirety by deed from Mark A. Smoot and Dianna M. Smoot, husband and wife dated 4/10/97 and recorded 4/17/97 in Deed Book 1356 Page 306.

SEIZED and taken into execution as the property of **Howard L. & Tammy J. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 or parcel of land situated, lying and being in Highland Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-332, at the southernmost corner of Lot No. 5 on the hereinafter referred to draft or survey; thence in said center line of Township Road T-332, South 32 degrees 05 minutes 29 seconds West, 453.49 feet to a point at corner of Lot No. 7-8 (combined as of September 26, 1979); thence by said Lot No. 7-8, and passing through a steel pin set back 30.00 feet from the last mentioned point, North 57 degrees 54 minutes 31 seconds West, 751.93 feet to a steel pin; thence by same, North 79 degrees 41 minutes 15 seconds West, 271.17 feet to a steel pin; thence by same and by Lot No. 9, and passing through a steel pin set 39.16 feet from the last mentioned point (said steel pin marking boundary between Lot Nos. 6, 7-8, and 9), North 36 degrees 57 minutes 11 seconds East, 556.10 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by Lot No. 5, and passing through a steel pin set back 30.00 feet from the next mentioned point, South 57 degrees 54 minutes 31 seconds East, 956.61 feet to a point, the place of BEGINNING. CONTAINING 10.4407 acres, neat measure.

TOGETHER with the buildings and improvements thereon and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise pertaining.

SEIZED and taken into execution as the property of **Blakely E. & Terry L. Ruch** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

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

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

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-27 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, 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 the Township of Tyrone, County of Adams and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Rupp Road (T-564), said point marking the common place of adjoiner of Lots #3 and #4 on the hereinafter mentioned plan of subdivision with the centerline of said roadway; thence departing from the centerline of Rupp Road, and extending along Lot #4, South 63 degrees 41 minutes 30 seconds East, through a steel pin set on the Southeasternmost dedicated right of way line of Rupp Road, a distance of 25.00 feet from the origin of this call, for a total distance of 250 feet to a steel pin; thence extending South 26 degrees 18 minutes 30 seconds West, for a distance of 106.67 feet to a steel pin at Lot #2 on the hereinafter mentioned plan of subdivision; thence extending along Lot #2, South 76 degrees 12 minutes 5 seconds West, through a steel pin set on the Easternmost dedicated right of way line of Rupp Road, a distance of 11.31 feet from the terminus of this call, for a total distance of 209.55 feet to a point near the Easternside of the cartway of Rupp Road, at lands now or formerly of Buddy H. Rupp; thence extending in and through the cartway of Rupp Road, North 16 degrees 40 minutes 10 seconds West, for a distance of 90.06 feet to a point in the centerline of said Rupp Road; thence extending in and along the centerline of Rupp Road by an arc or curve to the right having a radius of 293.35 feet, a chord bearing of North 13 degrees 36 minutes 50 seconds East, for an arc distance of 130 feet to a point in the centerline of said roadway; thence continuing in and through the centerline of Rupp Road, North 26 degrees 18 minutes 30 seconds East, for a distance of 50.00 feet to a point in the centerline of said roadway at Lot #4 on the hereinafter mentioned plan or subdivision, said point marking the place of BEGINNING.

CONTAINING 1.023 acres to the property lines and centerline of Rupp Road and being designated as Lot #3 on a final plan of subdivision of Foxwood, prepared for Harry H. Fox, Jr., by Rodney Lee Decker & Associates, dated August 14, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 34, at Page 51.

BEING KNOWN AS 351 Rupp Road, Gettysburg, PA 17325

## PROPERTY ID# H6-75-1.02

TITLE TO SAID PREMISES IS VESTED IN S & A Custom Built Homes, Inc., by deed from Vern W. Creighton and Millicent K. Creighton, husband and wife dated 4/24/96 and recorded 5/6/96 in Deed Book 1188 Page 228.

SEIZED and taken into execution as the property of **Robert L. & Janet L. Ruhlman and S & A Custom Built Homes, Inc.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 22, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
NO. RT-18-01-(A)

TO: DOMINGO PEREZ

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 4, 2001, at 10:00 a.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

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

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

9/7, 14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is south six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

BEING KNOWN AS 660 Littlestown Road, Littlestown, PA 17340

PROPERTY ID# 00-S-268

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 and recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/31, 9/7 & 14

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road Rt. 416 at the Southwestern corner of Lot No. 3, thence in the center line of Township Road Rt. 416 by a curve to the left, the radius of which curve is 100 feet, the long chord of which is South 27 degrees 40 minutes 11 seconds West, and the chord distance of which is 34.23 feet, for an arc distance of 34.37 feet; thence in said Township Road Rt. 416, South 17 degrees 44 minutes 08 seconds West, 151.63 feet to a point in the center of Township Road Rt. 416; thence along the lands of the grantor passing through an iron pipe which is set back 16.90 feet from the corner, North 38 degrees 55 minutes 26 seconds West, 406.37 feet to an iron pipe; thence along other lands of said grantor, North 53 degrees, 37 minutes 18 seconds East 173.66 feet to an iron pipe located at the corner of the lands of grantor; thence along lands of grantor, South 16 degrees 13 minutes 38 seconds East, 181.20 feet to an iron pipe; thence along lands of grantor, South 60 degrees 58 minutes 35 seconds East, 145.18 feet passing through an iron pipe which is set back 18.00 feet from the center of Township Road Rt. 416, to the place of BEGINNING. CONTAINING 1.000 Acres.

IMPROVEMENTS CONSIST OF A PERMANENTLY ATTACHED MOBILE HOME.

Map #: G14-17B

BEING KNOWN AS: 135 Clapsaddle Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **James Andrew Racine, Et Al** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

## 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 August 14, 2001, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is **SAMUEL A. SMITH TRUCKING, INC.**

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

Samuel A. Smith Trucking, Inc.  
355 Lingg Road  
New Oxford, PA 17350

9/14

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court; thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map #: K6-15J

BEING KNOWN AS: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, and recorded August 28, 1991, in Deed Book 598, Page 453.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 round situate in the Borough of Arendtsville, Adams County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an existing steel rod located on the North side of High Street (Pennsylvania Route #234) at corner of lands now or formerly of Ralph E. Mentzer; thence by said lands now or formerly of Mentzer North seventy-seven (77) degrees thirty-three (33) minutes zero (00) seconds East, one hundred ninety and four hundredths (190.04) feet to an existing steel rod at lands now or formerly of Christopher T. Flynn; thence by said lands now or formerly of Flynn South nine (09) degrees fifty-three (53) minutes zero (00) seconds East, one hundred thirteen and sixty-one hundredths (113.61) feet to a rebar set at corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 South seventy-eight (78) degrees thirty-eight (38) minutes fifteen (15) seconds West, one hundred eighty-eight and twenty-five hundredths (188.25) feet to a rebar set along the North side of High Street; thence along the North side of High Street North ten (10) degrees forty-five (45) minutes zero (00) seconds West, one hundred nine and ninety-seven hundredths (109.97) feet to an existing steel rod located at the corner of lands now or formerly of Ralph E. Mentzer, the place of BEGINNING, CONTAINING 21,130 square feet, or 0.485 acre, and being designated as Lot No. 1 on the subdivision plan referred to below.

The above description was taken from a subdivision plan prepared for Naomi Orner by Mark A. Kuntz, Surveyor, dated September 28, 1988, revised August 18, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 55, page 6.

SUBJECT TO an easement for the purpose of installing, maintaining and repairing a sewer line over the premises herein conveyed for the use and benefit of Lot No. 2 on the subdivision plan referred to above. The cost of such installation, maintenance and repair shall

be the responsibility of the owner of said Lot No. 2. It is noted that the location of the sanitary sewer line as installed over the premises herein conveyed may not be located within the right-of-way line as depicted on the aforementioned subdivision plan, but may be located East of the depicted sewer easement as per the aforementioned subdivision plan.

TITLE TO SAID PREMISES IS VESTED IN Cory D. Cross, a single person, his heirs and assigns by reason of the following:

BEING THE SAME premises which George K. Orner and Janet L. Whistler, executors of the Last Will and Testament of Naomi E. Orner, deceased by Deed dated 7/18/96 and recorded 7/29/96, in the County of Adams in Record Book 1233, page 168 conveyed unto Cory D. Cross and Dawn M. Cross, husband and wife.

AND THE SAID Dawn M. Cross and Cory D. Cross were divorced from the bonds of matrimony in Docket #00-S-12 on May 1, 2000.

AND ALSO BEING THE SAME premises which Cory D. Cross, a single person, and Dawn M. Cross, a single person, formerly husband and wife by Deed dated 10/2/2000 and recorded 10/20/2000 in the County of Adams in Record Book 2148 page 253 conveyed unto Cory D. Cross, a single person, his heirs and assigns.

SEIZED and taken into execution as the property of **Cory D. & Dawn M. Cross** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## ESTATE NOTICES

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

## SECOND PUBLICATION

## ESTATE OF FLORENCE E. CONGDON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory L. Reynold, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

## ESTATE OF MARGIE E. HARTMAN, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrices: Joan L. Rice, 81 Excelsior Road, Biglerville, PA 17307; Nadine M. Thompson, Box 367, R D 2, Mt. Pleasant Mills, PA 17853

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

## ESTATE OF THELMAL L. HOLTRY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Drucinda S. Miller, 8170 Orchard Road, Thomasville, PA 17364

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

## ESTATE OF HELEN F. MURTOF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Paul E. Walck, Sr., 2840 Old Harrisburg Road, Gettysburg, PA 17325; John Lee Walck, Sr., 5445 Bino Road, Greencastle, PA 17225

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

## ESTATE OF JESSIE E. SANDERS, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Co-Executors: Lois S. Stultz, 270 Stultz Road, Fairfield, PA 17320; James L. Sanders, 351 E. Main Street, Emmitsburg, MD 21727

Attorney: Tracy M. Sheffer, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

## THIRD PUBLICATION

## ESTATE OF PHILIP BLAZER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda J. Lundberg, Asst. V.P., PNC Bank, P.O. Box 308, Camp Hill, PA 17001-0308

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

## ESTATE OF HAROLD M. DICKERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: John H. Dickert, 5362 Lehman Road, Spring Grove, PA 17362; William H. Dickert, 2610 Rosegarden Blvd., Mechanicsburg, PA 17055

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

## ESTATE OF PAULINE H. FISSEL a/k/a PAULINE W. FISSEL, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Tracy S. Wyatt, 1996 Wenksville Rd., Biglerville, PA 17307

Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

## ESTATE OF DOROTHY L. REINDOLLAR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Jane Shildt, 11 Walnut Street, Littlestown, PA 17340

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

## ESTATE OF KAY F. ZINN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executors: Christine Hughes, 17 East Locust Lane, New Oxford, PA 17350; Sarah Heasley, 406 North Street, McSherrystown, PA 17344; Katrina Wright, 6721 Chambersburg Road, Fayetteville, PA 17222; Donald C. Zinn, II, 196 South Hickory Lane, New Oxford, PA 17350

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Biglerville, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stake for a corner on the West curb line of Fourth Street; thence with said curb line, South 2-1/4 degrees West, 60 feet to a stake at a twelve foot Public Alley; thence with said Alley and Lot No. 11, North 87-3/4 degrees West, 155 feet to a stone at a fourteen foot Public Alley; thence with said last mentioned Alley and land now or formerly of Clarence Roth North 2-1/4 degrees East, 60 feet to a stake; thence by lot now or formerly of John Fohl (Lot No. 9), South 87-3/4 degrees East, 155 feet to a stake on the aforesaid curb line, the place of BEGINNING. KNOWN AS LOT NO. 10.

TITLE TO SAID PREMISES IS VESTED IN Matthew M. Becker and Katrina K. Becker, husband and wife by Deed from Chrystal L. Baker, a Single Woman dated 10/16/98 and recorded 10/20/98 in Record Book 1685, Page 18.

SEIZED and taken into execution as the property of **Matthew M. & Katrina K. Becker** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 01-S-760

CHASE MANHATTAN MORTGAGE CORPORATION, Plaintiff

vs.

MICHAEL W. GEBHART and TAMMY J. GEBHART, a/k/a TAMMY JO GEBHART, Defendants

NOTICE

TO: MICHAEL W. GEBHART and TAMMY J. GEBHART a/k/a TAMMY JO GEBHART:

YOU ARE HEREBY NOTIFIED that on July 11, 2001, Plaintiff, Chase Manhattan Mortgage Corporation, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to No.

01-S-760. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 481 Pine Grove Road, Hanover, PA 17331, whereupon your property would be sold by the Sheriff of Adams County.

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

NOTICE

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

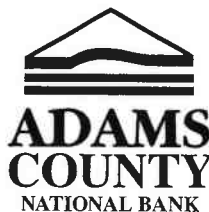
YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Adams County Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
(717) 334-6781, Ext. 213

Frank Federman  
Attorney for Plaintiff  
Federman and Phelan, L.L.P.  
Suite 1400, One Penn Center  
Philadelphia, PA 19103  
(215) 563-7000

9/14

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# Adams County Legal Journal

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No. 17, pp. 103-104

## CONTINUING LEGAL EDUCATION PROGRAMS

### NOTICE TO THE ADAMS COUNTY BAR

Because of low attendance in recent months, the Pennsylvania Bar Institute has adopted a policy to cancel programs when the pre-registration does not justify the direct costs. Accordingly, P.B.I. anticipates that video replays may be canceled in the coming months. P.B.I. will cancel programs ten days before the presentation if there are less than two persons pre-registered by that time. You are encouraged to register early with P.B.I. If you intend to register at the door, you may wish to call P.B.I. customer service at 800-247-4724 to insure that the program is being presented.

## CONTINUING LEGAL EDUCATION PROGRAM

### *Collecting & Enforcing Judgments*

October 4, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

### *The Individual In Bankruptcy*

October 11, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

### *Handling Cases Under the Post-Conviction Relief Act*

October 22, 2001 – 9:00 a.m. - 11:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 2, Ethics – 0

### *Internet Gambling — A Growing Concern*

November 1, 2001 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

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

**NOTICE:** P.B.I. will cancel any program which does not have at least two persons pre-registered at least 10 days in advance.

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of October, 2001, 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, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by Deed from Alice Kerr Laird, single dated 4/24/92 recorded 4/27/92 in Record Book 624 Page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless

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

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

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

9/21, 28 & 10/5

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-586 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development Plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements, thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 33 as more fully bounded and described in such Plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, Page 34.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan Book 71, Page 34.

TITLE TO SAID PREMISES IS VESTED IN Francis K. Kadish and Wendy S. Kadish, his wife by Deed Corrective from dated 2/15/2000, recorded 3/23/2000, in Record Book 2018, Page 327.

Premises being: 77 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. MAP #(1)-52

SEIZED and taken into execution as

the property of **Francis & Wendy Kadish** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 23, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on August 13, 2001 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

This name of the corporation is WYNDEMEIR ON LAKE MYTON INCORPORATED, with its principal office or place of business at 246 Topper Road, Fairfield, Pennsylvania 17320. The name and address of the person owning or interested in said business is: Leslie Bennett Wells, 4550 Baptist Road, Taneytown, Maryland 21787.

9/21

## FORBES VS. KELLY

1. ...42 Pa.C.S.A. §8127 makes it clear that wage attachments are available for damages in the popular, not the legal sense. The statute takes pains to distinguish between rent and damages...

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-942, J. T. FORBES AND CHRISTINE A. FORBES VS. WILLIAM KELLY AND MELANIE KELLY.

Ronald Gross, Esq., for Plaintiffs

Defendants *pro se*

Spicer, P. J., January 12, 2001

### MEMORANDUM AND ORDER

Plaintiffs instituted suit on a written lease, alleging that defendants improperly used a fictitious name, First Guaranty Mortgage Corporation, when they purportedly executed the lease as corporate officers. The complaint alleged, "8. Under the terms of the lease, Defendant owe Plaintiffs rent for the remainder of the term, i.e. \$3,850.00 plus the water/sewer bill in the amount of \$79.98; a total of \$3,929.98." Although the lease was captioned a residential lease, alterations in its body made it clear it was a business lease. Paragraph 4 of the Complaint clearly reflects the changes by stating, that "(o)n or about October 1, 1999, the Defendants rented Plaintiffs' property to conduct a business."

Default judgment in the amount of "\$3,929.98 plus interest" was entered December 1, 2000. On December 28, 2000, Plaintiffs filed a petition for a wage attachment to satisfy their judgment for rent. When asked by this court to justify, *prima facie*, their request, plaintiffs' counsel attempted to raise factual issues that were not included in the complaint and to change the legal theory upon which plaintiffs proceeded. Thus, the court was advised, 1) defendants resided at the address and 2) "the lease was executed under a corporation that did not exist, thus void *ab initio*."

We cannot consider these statements for obvious reasons.

More importantly, the statute under which plaintiffs proceeds...42 Pa.C.S.A. §8127 makes it clear that wage attachments are available for damages in the popular, not the legal sense. The statute takes pains to distinguish between rent and damages and provides, that any judgment "shall reflect the portion of the judgment which is for

damages arising out of a residential lease.” §8127(a)(3.2). It also provides that damages shall be deducted from any security deposit unless the deposit has been applied to the payment of rent (3.1).

If any doubt remained, it is put to rest:

(h) Definition. – For purposes of this section, “damages” shall mean the abuse of the physical makeup of the leasehold premises. Damages shall include, but not be limited to, the abuse of walls, floors, ceilings or other physical makeup of the leasehold premises.

#### ORDER

AND NOW, this 12th day of January, 1998, the court denies plaintiff’s request for a wage attachment.

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Wednesday, September 26, 2001, at 9:00 o'clock a.m.

**CAREY**—Orphans' Court Action Number OC-81-01. The First and Final Account of Shirley Y. Carey, Executrix of the Estate of William E. Carey, deceased, late of Aspers, Menallen Township, Adams County, Pennsylvania.

**DUTTERER**—Orphans' Court Action Number OC-84-01. The First and Final Account of Karl H. Silex, Executor of the Estate of Reba J. Dutterer, deceased, late of Oxford Township, Adams County, Pennsylvania.

**WILDASIN**—Orphans' Court Action Number OC-92-01. The First and Final Account of Elsie M. Amspacher and Robert Amspacher, Jr., Co-Executors of the Estate of Relda G. Wildasin, deceased, late of Oxford Township, Adams County, Pennsylvania.

**SITES**—Orphans' Court Action Number OC-94-01. The First and Final Account of Clair L. Sites, Administrator of the Estate of Richard M. Sites, deceased, late of Hamiltonban Township, Adams County, Pennsylvania.

**BITTINGER**—Orphans' Court Action Number OC-95-01. The First and Final Account of C. Richard Hartman and Jay H. Hartman, Co-Executors of the Will of Roberta F. Bittinger, deceased, late of Franklin Township, Adams County, Pennsylvania.

**WUEGER**—Orphans' Court Action Number OC-96-01. The First and Final Account of John I. Mowery, Executor of the Estate of Charles L. Wueger, deceased, late of Oxford Township, Adams County, Pennsylvania.

**FLICKINGER**—Orphans' Court Action Number OC-99-01. The First and Final Account of Robert B. Flickinger and Larry F. Flickinger, Executors of the Estate of Bernadette M. Flickinger, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

**TOCCO**—Orphans' Court Action Number OC-100-01. The First and Final Account of Paula K. Alameda, Executrix of the Estate of Pauline E. Tocco, deceased, late of Reading Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

9/14 & 21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 or parcel of land situate, lying and being in Highland Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-332, at the southernmost corner of Lot No. 5 on the hereinafter referred to draft or survey; thence in said center line of Township Road T-332, South 32 degrees 05 minutes 29 seconds West, 453.49 feet to a point at corner of Lot No. 7-8 (combined as of September 26, 1979); thence by said Lot No. 7-8, and passing through a steel pin set back 30.00 feet from the last mentioned point, North 57 degrees 54 minutes 31 seconds West, 751.93 feet to a steel pin; thence by same, North 79 degrees 41 minutes 15 seconds West, 271.17 feet to a steel pin; thence by same and by Lot No. 9, and passing through a steel pin set 39.16 feet from the last mentioned point (said steel pin marking boundary between Lot Nos. 6, 7-8, and 9), North 36 degrees 57 minutes 11 seconds East, 556.10 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by Lot No. 5, and passing through a steel pin set back 30.00 feet from the next mentioned point, South 57 degrees 54 minutes 31 seconds East, 956.61 feet to a point, the place of BEGINNING. CONTAINING 10.4407 acres, neat measure.

TOGETHER with the buildings and improvements thereon and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise pertaining.

SEIZED and taken into execution as the property of **Blakely E. & Terry L. Ruch** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

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

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

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road Rt. 416 at the Southwestern corner of Lot No. 3, thence in the center line of Township Road Rt. 416 by a curve to the left, the radius of which curve is 100 feet, the long chord of which is South 27 degrees 40 minutes 11 seconds West, and the chord distance of which is 34.23 feet, for an arc distance of 34.37 feet; thence in said Township Road Rt. 416, South 17 degrees 44 minutes 08 seconds West, 151.63 feet to a point in the center of Township Road Rt. 416; thence along the lands of the grantor passing through an iron pipe which is set back 16.90 feet from the corner, North 38 degrees 55 minutes 26 seconds West, 406.37 feet to an iron pipe; thence along other lands of said grantor, North 53 degrees, 37 minutes 18 seconds East 173.66 feet to an iron pipe located at the corner of the lands of grantor; thence along lands of grantor, South 16 degrees 13 minutes 38 seconds East, 181.20 feet to an iron pipe; thence along lands of grantor, South 60 degrees 58 minutes 35 seconds East, 145.18 feet passing through an iron pipe which is set back 18.00 feet from the center of Township Road Rt. 416, to the place of BEGINNING. CONTAINING 1.000 Acres.

IMPROVEMENTS CONSIST OF A PERMANENTLY ATTACHED MOBILE HOME.

Map #: G14-17B

BEING KNOWN AS: 135 Clapsaddle Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of James Andrew Racine, Et Al and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Biglerville, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stake for a corner on the West curb line of Fourth Street; thence with said curb line, South 2-1/4 degrees West, 60 feet to a stake at a twelve foot Public Alley; thence with said Alley and Lot No. 11, North 87-3/4 degrees West, 155 feet to a stone at a fourteen foot Public Alley; thence with said last mentioned Alley and land now or formerly of Clarence Roth North 2-1/4 degrees East, 60 feet to a stake; thence by lot now or formerly of John Fohi (Lot No. 9), South 87-3/4 degrees East, 155 feet to a stake on the aforesaid curb line, the place of BEGINNING. KNOWN AS LOT NO. 10.

TITLE TO SAID PREMISES IS VESTED IN Matthew M. Becker and Katrina K. Becker, husband and wife by Deed from Chrystal L. Baker, a Single Woman dated 10/16/98 and recorded 10/20/98 in Record Book 1685, Page 18.

SEIZED and taken into execution as the property of Matthew M. & Katrina K. Becker and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/7, 14 & 21

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION NO. FT-18-01-(A)

TO: DOMINGO PEREZ

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 4, 2001, at 10:00 a.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

Court Administrator Adams County Courthouse 111-117 Baltimore Street Gettysburg, PA 17325 Telephone number: 717-337-9846, or 1-888-337-9846 Chester G. Schultz, Attorney at Law 145 Baltimore Street Gettysburg, PA 17325

9/7, 14 & 21

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 August 2, 2001, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is C. GARY CRONE TRUCKING, INC.

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

C. Gary Crone Trucking, Inc. 23 Pin Oak Drive Gettysburg, PA 17325

9/21

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court; thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map #: K6-15J

BEING KNOWN AS: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, and recorded August 28, 1991, in Deed Book 598, Page 453.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 round situate in the Borough of Arendtsville, Adams County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an existing steel rod located on the North side of High Street (Pennsylvania Route #234) at corner of lands now or formerly of Ralph E. Mentzer; thence by said lands now or formerly of Mentzer North seventy-seven (77) degrees thirty-three (33) minutes zero (00) seconds East, one hundred ninety and four hundredths (190.04) feet to an existing steel rod at lands now or formerly of Christopher T. Flynn; thence by said lands now or formerly of Flynn South nine (09) degrees fifty-three (53) minutes zero (00) seconds East, one hundred thirteen and sixty-one hundredths (113.61) feet to a rebar set at corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 South seventy-eight (78) degrees thirty-eight (38) minutes fifteen (15) seconds West, one hundred eighty-eight and twenty-five hundredths (188.25) feet to a rebar set along the North side of High Street; thence along the North side of High Street North ten (10) degrees forty-five (45) minutes zero (00) seconds West, one hundred nine and ninety-seven hundredths (109.97) feet to an existing steel rod located at the corner of lands now or formerly of Ralph E. Mentzer, the place of BEGINNING, CONTAINING 21,130 square feet, or 0.485 acre, and being designated as Lot No. 1 on the subdivision plan referred to below.

The above description was taken from a subdivision plan prepared for Naomi Orner by Mark A. Kuntz, Surveyor, dated September 28, 1988, revised August 18, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 55, page 6.

SUBJECT TO an easement for the purpose of installing, maintaining and repairing a sewer line over the premises herein conveyed for the use and benefit of Lot No. 2 on the subdivision plan referred to above. The cost of such installation, maintenance and repair shall

be the responsibility of the owner of said Lot No. 2. It is noted that the location of the sanitary sewer line as installed over the premises herein conveyed may not be located within the right-of-way line as depicted on the aforementioned subdivision plan, but may be located East of the depicted sewer easement as per the aforementioned subdivision plan.

TITLE TO SAID PREMISES IS VESTED IN Cory D. Cross, a single person, his heirs and assigns by reason of the following:

BEING THE SAME premises which George K. Orner and Janet L. Whistler, executors of the Last Will and Testament of Naomi E. Orner, deceased by Deed dated 7/18/96 and recorded 7/29/96, in the County of Adams in Record Book 1233, page 168 conveyed unto Cory D. Cross and Dawn M. Cross, husband and wife.

AND THE SAID Dawn M. Cross and Cory D. Cross were divorced from the bonds of matrimony in Docket #00-S-12 on May 1, 2000.

AND ALSO BEING THE SAME premises which Cory D. Cross, a single person, and Dawn M. Cross, a single person, formerly husband and wife by Deed dated 10/2/2000 and recorded 10/20/2000 in the County of Adams in Record Book 2148 page 253 conveyed unto Cory D. Cross, a single person, his heirs and assigns.

SEIZED and taken into execution as the property of **Cory D. & Dawn M. Cross** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle,  
New Oxford, PA 17350

SEIZED and taken into execution as the property of **James Starnier** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 12, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5



## 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

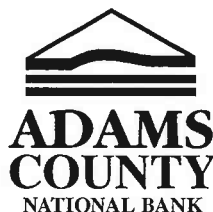
- ESTATE OF MABEL J. ANGEL, DEC'D  
Late of Oxford Township, Adams County, Pennsylvania  
Executrix: Susan Birgensmith, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331  
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
- ESTATE OF NORMAN E. FRIDINGER, DEC'D  
Late of Hamilton Township, Adams County, Pennsylvania  
Executor: PNC Bank, P.O. Box 308, Camp Hill, PA 17001-0308, Attention: Linda J. Lundberg, Assistant Vice President.  
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
- ESTATE OF CLYDE P. ORNER, DEC'D  
Late of Butler Township, Adams County, Pennsylvania  
Executor: James H. Siglin, 485 Redwood Drive, Lancaster, PA 17603  
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF DORIS MAE STIVERSON, DEC'D  
Late of Huntington Township, Adams County, Pennsylvania  
Administratrix: Carole A. Brunner, 35 Georgetown Rd., Gardners, PA 17324  
Attorney: George F. Douglas III, Esq., Douglas, Douglas & Douglas, P.O. Box 261, Carlisle, PA 17013

## THIRD PUBLICATION

- ESTATE OF FLORENCE E. CONGDON, DEC'D  
Late of Oxford Township, Adams County, Pennsylvania  
Executor: Gregory L. Reynold, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331  
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331
- ESTATE OF MARGIE E. HARTMAN, DEC'D  
Late of the Borough of Arendtsville, Adams County, Pennsylvania  
Executrices: Joan L. Rice, 81 Excelsior Road, Biglerville, PA 17307; Nadine M. Thompson, Box 367, R D 2, Mt. Pleasant Mills, PA 17853  
Attorney: Robert L. McQuaide, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325
- ESTATE OF THELMA L. HOLTRY, DEC'D  
Late of Oxford Township, Adams County, Pennsylvania  
Executor: Drucinda S. Miller, 8170 Orchard Road, Thomasville, PA 17364  
Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF HELEN F. MURTOF, DEC'D  
Late of Cumberland Township, Adams County, Pennsylvania  
Executors: Paul E. Walck, Sr., 2840 Old Harrisburg Road, Gettysburg, PA 17325; John Lee Walck, Sr., 5445 Bino Road, Greencastle, PA 17225  
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF JESSIE E. SANDERS, DEC'D  
Late of Liberty Township, Adams County, Pennsylvania  
Co-Executors: Lois S. Stultz, 270 Stultz Road, Fairfield, PA 17320; James L. Sanders, 351 E. Main Street, Emmitsburg, MD 21727  
Attorney: Tracy M. Sheffer, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

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# Adams County Legal Journal

Vol. 43

September 28, 2001

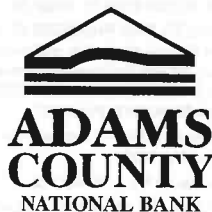
No. 18, pp. 105-106

## IN THIS ISSUE

KEEFER VS. STEFAN

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



Member FDIC

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

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of October, 2001, 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, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by Deed from Alice Kerr Laird, single dated 4/24/92 recorded 4/27/92 in Record Book 624 Page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless

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

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

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

9/21, 28 & 10/5

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-586 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development Plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements, thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 33 as more fully bounded and described in such Plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, Page 34.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan Book 71, Page 34.

TITLE TO SAID PREMISES IS VESTED IN Francis K. Kadish and Wendy S. Kadish, his wife by Deed Corrective from dated 2/15/2000, recorded 3/23/2000, in Record Book 2018, Page 327.

Premises being: 77 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. MAP #(1)-52

SEIZED and taken into execution as

the property of **Francis & Wendy Kadish** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 23, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Friday, October 12, 2001, at 9:00 o'clock a.m.

**HORWEDDEL**—Orphans' Court Action Number OC-102-01. The First and Final Account of Francis E. Horwedel, Executor of the Estate of Evelyn K. Horwedel, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**REDDEN**—Orphans' Court Action Number OC-103-01. The First and Final Account of Wayne B. Ogburn, Jr., Executor of the Estate of Lena M. Redden, deceased, late of Cumberland Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

9/28 & 10/5

## KEEFER VS. STEFAN

1. Rule 1556 contains strict limitations precluding a defendant from pleading by counterclaim special matters such as those found in Rule 1570.
2. ...a defendant must plead all special matters in the answer as new matter.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 99-S-594, TERESA E. KEEFER VS. RAYMOND E. STEFAN, JR.

Chester G. Schultz, Esq., for Plaintiff

John A. Wolfe, Esq., for Defendant

Spicer, P.J., January 16, 2001

### OPINION ON PLAINTIFF'S PRELIMINARY OBJECTIONS

This matter is before the court on plaintiff's preliminary objections to defendant's answer and counterclaim. Plaintiff initiated this equity action seeking partition of real property located at 915 Green Ridge Road, Orrtanna, Adams County, Pennsylvania. Interests in the property are held by plaintiff and defendant as joint tenants with right of survivorship.

Defendant's answer admits averments as to ownership and title, but denies proportionate interests as stated by plaintiff's complaint, alleging he made the entire monetary contribution for the purchase of the property amounting to \$31,096.28. Defendant argues awarding equal shares to the parties would result in unjust enrichment of the plaintiff. Defendant's counterclaim asserts that plaintiff is in breach of an oral agreement relating to the division of any proceeds from the sale of property. Defendant has raised issues of unjust enrichment and unclean hands on the part of plaintiff for asserting an equal ownership interest in the property.

Plaintiff has demurred to the counterclaim, moves to strike portions of the answer and the entire counterclaim and objects to defendant's pleading as not conforming to Rule 1556 of the Pennsylvania Rules of Civil Procedure.<sup>1</sup>

Since this is an action in partition, we begin by referring to Pennsylvania Rules of Civil Procedure 1551 to 1574. We agree with plaintiff that Rule 1556 contains strict limitations precluding a defendant from pleading by counterclaim special matters such as those

---

<sup>1</sup>Rule 1556

A defendant may counterclaim for the partition of any or all property which the plaintiff might have included in the complaint.

found in Rule 1570.<sup>2</sup> Goodrich Amram 2d § 1556:2 discusses the silence of the rules as to procedure for a defendant raising special matters. Commentary suggests...a defendant must plead all special matters in the answer as new matter.

Defendant has pleaded an oral contract between the parties providing for the distribution of the proceeds from any sale of the jointly owned property.<sup>3</sup> We find the allegations proper under Rule 1570(a)(5). Although defendant should have pleaded under New Matter, we will ignore the oversight and treat the counterclaim as New Matter. Pa. R.C.P. 126.

For the above reasons the demurrer and motion to strike the counterclaim are denied.

### ORDER

AND NOW, this 16th day of January, 2001, defendant's counterclaim is considered New Matter and plaintiff's preliminary objections are denied. She shall have twenty (20) days to file a reply.

---

<sup>2</sup>Rule 1570

(a) the adjudication shall include findings of fact as follows:

- (1) whether the property is capable of division, without prejudice to or spoiling the whole, into purparts proportionate in value to the interests of the co-tenants;
- (2) the number of purparts into which the property can be most advantageously divided, if partition proportionate in value to the interests of the parties cannot be made;
- (3) the value of the entire property and of the purparts;
- (4) the mortgages, liens and other encumbrances or charges which affect the whole or any part of the property and the amount due thereon;
- (5) the credit which should be allowed or the charge which should be made, in favor of or against any party because of use and occupancy of the property, taxes, rents **or other amounts paid**, services rendered, liabilities incurred or benefits derived in connection therewith or therefrom;
- (6) whether the interests of persons who have not appeared in the action, or of defendants who have elected to retain their shares together shall remain undivided;
- (7) whether the parties have accepted or rejected the allocation of the purparts or bid therefore at private sale confined to the parties; and
- (8) whether a sale of the property or any purpart not confined to the parties is required and if so, whether a private or public sale will in its opinion yield the better price.

<sup>3</sup>It is premature to consider issues relating to the statute of frauds, 33 P.S. § 1, but it would appear that defendant's counterclaim does not involve an interest in land. Even if it does, plaintiff would have to raise the issue in a reply. The defense can be waived. *Zlotziver v. Zlotziver*, 355 Pa. 299, 49 A.2d 779 (1946).

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 or parcel of land situate, lying and being in Highland Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-332, at the southernmost corner of Lot No. 5 on the hereinafter referred to draft or survey; thence in said center line of Township Road T-332, South 32 degrees 05 minutes 29 seconds West, 453.49 feet to a point at corner of Lot No. 7-8 (combined as of September 26, 1979); thence by said Lot No. 7-8, and passing through a steel pin set back 30.00 feet from the last mentioned point, North 57 degrees 54 minutes 31 seconds West, 751.93 feet to a steel pin; thence by same, North 79 degrees 41 minutes 15 seconds West, 271.17 feet to a steel pin; thence by same and by Lot No. 9, and passing through a steel pin set 39.16 feet from the last mentioned point (said steel pin marking boundary between Lot Nos. 6, 7-8, and 9), North 36 degrees 57 minutes 11 seconds East, 556.10 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by Lot No. 5, and passing through a steel pin set back 30.00 feet from the next mentioned point, South 57 degrees 54 minutes 31 seconds East, 956.61 feet to a point, the place of BEGINNING. CONTAINING 10.4407 acres, neat measure.

TOGETHER with the buildings and improvements thereon and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise pertaining.

SEIZED and taken into execution as the property of **Blakely E. & Terry L. Ruch** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-566 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 21 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 Page 41A, more fully bounded and described as follows, to wit;

BEGINNING at a point on the southerly right of way line of Oxwood Circle at a corner of Lot No. 20 on said plan; thence extending along the right of way line South 76 degrees 11 minutes 54 seconds East 20 feet to a corner of Lot No. 22 on said plan; thence extending along the said Lot No. 22 South 13 degrees 48 minutes 06 seconds West 125 feet to a point; thence North 76 degrees 11 minutes 54 seconds West 20 feet to a corner of Lot No. 20 in said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 05 seconds East 125 feet to the point and place of BEGINNING.

Premises being: 23 Oxwood Circle, New Oxford, PA 17350

Tax Parcel No. #7-91

SEIZED and taken into execution as the property of **Harold E. & Cathleen M. Mott** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle, New Oxford, PA 17350

SEIZED and taken into execution as the property of **James Stamer** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 12, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court; thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map #: K6-15J

BEING KNOWN AS: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, and recorded August 28, 1991, in Deed Book 598, Page 453.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2001, 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 in the Borough of Arendtsville, Adams County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at an existing steel rod located on the North side of High Street (Pennsylvania Route #234) at corner of lands now or formerly of Ralph E. Mentzer; thence by said lands now or formerly of Mentzer North seventy-seven (77) degrees thirty-three (33) minutes zero (00) seconds East, one hundred ninety and four hundredths (190.04) feet to an existing steel rod at lands now or formerly of Christopher T. Flynn; thence by said lands now or formerly of Flynn South nine (09) degrees fifty-three (53) minutes zero (00) seconds East, one hundred thirteen and sixty-one hundredths (113.61) feet to a rebar set at corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 South seventy-eight (78) degrees thirty-eight (38) minutes fifteen (15) seconds West, one hundred eighty-eight and twenty-five hundredths (188.25) feet to a rebar set along the North side of High Street; thence along the North side of High Street North ten (10) degrees forty-five (45) minutes zero (00) seconds West, one hundred nine and ninety-seven hundredths (109.97) feet to an existing steel rod located at the corner of lands now or formerly of Ralph E. Mentzer, the place of BEGINNING, CONTAINING 21,130 square feet, or 0.485 acre, and being designated as Lot No. 1 on the subdivision plan referred to below.

The above description was taken from a subdivision plan prepared for Naomi Orner by Mark A. Kuntz, Surveyor, dated September 28, 1988, revised August 18, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 55, page 6.

SUBJECT TO an easement for the purpose of installing, maintaining and repairing a sewer line over the premises herein conveyed for the use and benefit of Lot No. 2 on the subdivision plan referred to above. The cost of such installation, maintenance and repair shall

be the responsibility of the owner of said Lot No. 2. It is noted that the location of the sanitary sewer line as installed over the premises herein conveyed may not be located within the right-of-way line as depicted on the aforementioned subdivision plan, but may be located East of the depicted sewer easement as per the aforementioned subdivision plan.

TITLE TO SAID PREMISES IS VESTED IN Cory D. Cross, a single person, his heirs and assigns by reason of the following:

BEING THE SAME premises which George K. Orner and Janet L. Whistler, executors of the Last Will and Testament of Naomi E. Orner, deceased by Deed dated 7/18/96 and recorded 7/29/96, in the County of Adams in Record Book 1233, page 168 conveyed unto Cory D. Cross and Dawn M. Cross, husband and wife.

AND THE SAID Dawn M. Cross and Cory D. Cross were divorced from the bonds of matrimony in Docket #00-S-12 on May 1, 2000.

AND ALSO BEING THE SAME premises which Cory D. Cross, a single person, and Dawn M. Cross, a single person, formerly husband and wife by Deed dated 10/2/2000 and recorded 10/20/2000 in the County of Adams in Record Book 2148 page 253 conveyed unto Cory D. Cross, a single person, his heirs and assigns.

SEIZED and taken into execution as the property of **Cory D. & Dawn M. Cross** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 5, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/14, 21 & 28



## ESTATE NOTICES

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

## FIRST PUBLICATION

ESTATE OF RALPH W. CHAPDELAINE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Colleen R. Hartman, 19 Spruce Drive, Gettysburg, PA 17325

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

ESTATE OF LILLIAN B. STOCKHAM, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executors: Helen L. Shireman, 4960 Carlisle Pike, New Oxford, PA 17350; Charles E. Stockham, 55 Browns Dam Road, New Oxford, PA 17350; Edwin H. Stockham, 5820 Melville Road, Sykesville, MD 21784

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF DOLORES D. WAGNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Shirley A. Bollinger, 5471 Lake Drive, Spring Grove, PA 17362; Darlene D. Miner, 70 Oak Hill Drive, Hanover, PA 17331

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF WILBUR K. WINGERT, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Farmers and Merchants Trust Company of Chambersburg, 20 South Main Street, P.O. Box "T", Chambersburg, PA 17201

Attorney: George E. Wenger, Jr., Esq., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

## SECOND PUBLICATION

ESTATE OF MABEL J. ANGEL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Susan Birgensmith, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF NORMAN E. FRIDINGER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: PNC Bank, P.O. Box 308, Camp Hill, PA 17001-0308, Attention: Linda J. Lundberg, Assistant Vice President.

Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF CLYDE P. ORNER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: James H. Siglin, 485 Redwood Drive, Lancaster, PA 17603

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

ESTATE OF DORIS MAE STIVERSON, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Carole A. Brunner, 35 Georgetown Rd., Gardners, PA 17324

Attorney: George F. Douglas III, Esq., Douglas, Douglas & Douglas, P.O. Box 261, Carlisle, PA 17013

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, 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 with the improvements thereon erected, situate, lying and being in Germany Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING for a point at an iron pin on the centerline of Township Road and lands now or late of St. Aloysius Cemetery; thence along said lands, South sixty-eight (68) degrees East, one hundred twenty-five (125) feet to an iron pin at lands now or late of Paul S. Beecher; thence South twenty-five (25) degrees sixteen (16) minutes West, one hundred (100) feet to an iron pin; thence by lands of the same, North sixty-eight (68) degrees West, one hundred twenty-five (125) feet to an iron pin on the centerline of said Township Road; thence along the centerline of said Township Road, North twenty-five (25) degrees sixteen (16) minutes East, one hundred (100) feet to an iron pin; the place of BEGINNING. CONTAINING .2876 acres of land as per survey made May 3, 1995, by J.H. Rite, Registered Engineer, appearing in Field Book No. 16, Page 77.

BEING KNOWN AS: 50 Bittle Road, Littlestown, PA 17340

PROPERTY ID# J17-122

TITLE TO SAID PREMISES IS VESTED IN Darryl A. Williams by deed from Bankers Trust Company of California dated 7/19/00 and recorded 8/10/00 in Deed Book 2104 Page 232.

SEIZED and taken into execution as the property of **Darryl A. Williams** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1070 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, 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 parcel of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 129 on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, page 233.

IT BEING the same premises which Robert J. Brogan and Deborah A. Brogan, his wife, by their deed dated September 19, 1997, and recorded September 22, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1442, page 190, granted and conveyed to Marvin L. Blevins.

Street Address: 129 Heritage Drive, Gettysburg, PA 17325

District: Map: 8 Parcel Number: 50

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

## INCORPORATION NOTICE

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

The name of the corporation is FITZ SPECIAL SERVICES, INC.

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

9/28

## CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that Brittanyann Elaine Mullins, a minor, by her guardian, Dawn Michele Hewitt, has filed with the Court of Common Pleas of Adams County, Pennsylvania, a Petition to change her name from Brittanyann Elaine Mullins, to Brittanyann Elaine Hewitt.

Said Court has fixed a hearing on said Petition for October 12, 2001, at 9:00 a.m. in Courtroom No. 1, 2 or 3 of the Adams County Courthouse, in Gettysburg, Pennsylvania, at which time and place all persons interested may appear and show cause, if any they have as to why the prayer of said Petition should not be granted.

Robert L. McQuaide  
Suite 204  
18 Carlisle Street  
Gettysburg, PA 17325  
Attorney for Petitioner

9/28