

Adams County Legal Journal

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STONEHEDGE REAL ESTATE, LLC V. STRABAN TOWNSHIP

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NONPROFIT ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on January 31, 2018, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed non-profit corporation is HOMESTEAD ACRES HOMEOWNERS ASSOCIATION, INC.

The purpose for which it will be organized is: to be a unit owners' association which provides for the management, maintenance and care of the residential community project located in West Manheim Township, York County, Pennsylvania, known as Homestead Acres, A Planned Community.

McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17101

2/16

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that, effective February 6, 2018, Daniel A. Feeser, 554 Sutton Road., Abbottstown, Adams County, Pennsylvania registered the name "DAN'S HANDYMAN SERVICE" by filing a Fictitious Registration under the Fictitious Name Registration under the Fictitious Names Act, 54 Pa.C.S.sec.311(g) with the Pennsylvania Department of State in Harrisburg, Pennsylvania, for the conduct of business at its place of business situated at 554 Sutton Road, Abbottstown, Adams County, Pennsylvania.

2/16

FICTITIOUS NAME NOTICE

An application for registration of the fictitious name, KLEER KREATIONS, was filed under 54 Pa. C.S. 311 on 1-31-18 by Karen L. Saylor, 85 Woodcrest Dr. Gettysburg, PA 17325, with principal office being the same, and she being the sole party to this registration.

2/16

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 16th day of March 2018, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 17-SU-1004
WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, AS INDENTURE TRUSTEE, FOR THE CSMC 2015-RPL5 TRUST, MORTGAGE-BACKED NOTES, SERIES 2015-RPL5**

**vs.
ALFRED H SHUPP**
PROPERTY ADDRESS: 38 BRAGG DRIVE, EAST BERLIN, PA 17316 UPI / TAX PARCEL NUMBER: 36114-0018-000

Reading Township, Adams County, PA
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$189,235.57
Attorney for Plaintiff Edward J. Mckee, Esquire Stern & Eisenberg, PC
Phone 215-572-8111

**No. 17-SU-890
LSF9 MASTER PARTICIPATION TRUST**

**vs.
STERLING D. SIPLING**
PROPERTY ADDRESS: 100 NEW CHESTER ROAD, GETTYSBURG, PA 17325 UPI / TAX PARCEL NUMBER: 38111-0017A--000
Township Of Straban
(Acreage or street address)
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$89,220.83
Attorney for Plaintiff
Kevin J. Cummings, Esquire PA ID# 209660 WELTMAN, WEINBERG & REIS CO., L.P.A.
Pittsburgh, PA 15219
(412) 338-7108 (Kim)

**No. 17-SU-755
CITIMORTGAGE INC**

**vs.
WESTLEY STOCKSLAGER, AS ADMINISTRATOR OF THE ESTATE OF**

WAYNE STOCKSLAGER, DECEASED
PROPERTY ADDRESS: 1077 OLD WAYNESBORO ROAD, FAIRFIELD, PA 17320 UPI / TAX PARCEL NUMBER: 18A17-0057-000
IMPROVEMENTS THEREON:
Residential Dwelling.
JUDGMENT AMOUNT: \$166,045.22
ATTORNEYS FOR PLAINTIFF POWERS, KIRN & ASSOCIATES, LLC

**No. 17-SU-848
AMERICAN FINANCIAL RESOURCES, INC.**

**vs.
SHAWN A. SUTPHEN**
PROPERTY ADDRESS: 10 NORTH JEFFERSON STREET, HANOVER, PA 17331 UPI / TAX PARCEL NUMBER: 08008-0148A-000
Conewago Township, Adams County, Pennsylvania,
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$179,840.66
McCabe, Weisberg & Conway, LLC
Philadelphia, PA 19109

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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.

James W. Muller
Sheriff of Adams County

www.adamscounty.us

2/16, 2/23 & 3/2

STONEHEDGE REAL ESTATE, LLC V. STRABAN
TOWNSHIP

1. A pleading is sufficiently specific if it provides enough facts to enable an opposing party to frame an answer and prepare a defense.

2. The complaint must be tailored so as to give a defendant clear and exact information as to what is claimed of him or her. A complaint which is concise is one which expresses in reasonably comprehensive and brief terms the facts upon which the cause of action is based.

3. Allegations in the complaint anticipating defenses, advancing conclusions of law, and raising argumentative averments only detract from the clarity of the pleading thereby unnecessarily complicating the nature of the precise issues being raised.

4. A 20-paragraph conclusory section to the Complaint titled “Request for Relief” identifies a litany of requests for relief in a cumulative fashion for all preceding counts. This style of pleading clearly violates the Rules of Procedure which require each count to contain a separate demand of relief.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 17-S-750, STONEHEDGE REAL
ESTATE, LLC V. STRABAN TOWNSHIP.

Steve Rice, Esq., Attorney for Plaintiff

Rolf E. Kroll, Esq., Attorney for Defendant

George, J., January 24, 2018.

OPINION

At the center of this litigation is the interpretation of Article V-A of the Municipalities Planning Code, 53 P.S. § 10501-A – 10508-A (hereinafter “Act 209”), which relates to municipal capital improvement. The act statutorily empowers municipalities to generate revenue in order to support capital improvement by assessing a fee on development within the municipality (hereinafter “impact fee”). Pursuant to this statutory authority, Straban Township (hereinafter “Township”) adopted Ordinance No. 2006-05 (hereinafter “2006 Ordinance”) (imposing impact fees on new development within the Township);¹ Ordinance No. 2013-05 (hereinafter “2013 Ordinance”) which revised the 2006 Ordinance; and Ordinance No. 2017-01 (hereinafter “2017 Ordinance”) which amended the 2013 Ordinance.

Plaintiff, StoneHedge Real Estate, LLC (hereinafter

¹ The factual background is based on allegations in the Complaint as in ruling upon preliminary objections, the court should consider all well pled material facts of the complaint and all reasonable inferences that may be drawn from those facts as being true. *Thomas v. Grimm*, 155 A.3d 128, 135 (Pa. Cmwlth. 2017).

“StoneHedge”), currently owns undeveloped land at the Adams County Commerce Center which is located in the Township in Transportation Service Area 3 (hereinafter “TSA 3”) as designated by the respective impact fee ordinances. StoneHedge intends on erecting a 6,000 square foot office building on the subject property. On April 22, 2016, Township’s traffic engineer provided a traffic impact fee estimate of \$79,552 on the proposed development. StoneHedge has responded with a multi-faceted civil suit challenging the legitimacy of Township’s actions pursuant to Act 209.

The initial Complaint filed by StoneHedge encompasses 286 paragraphs broken down into category by 15 separate headers and an additional 17 counts. The Complaint also includes a table of contents and 30 different exhibits encompassing hundreds of pages. In response, the Township filed Preliminary Objections which were rendered moot when StoneHedge’s unopposed Motion for Leave to File an Amended Complaint was granted. Rather than file an Amended Complaint however, StoneHedge filed a document identified as “Amendments to Complaint” incorporating the unaltered allegations in the original Complaint and adding 34 paragraphs raising four additional counts. StoneHedge’s additional pleading once again prompted Preliminary Objections from the Township which are currently before the Court for disposition. Initially, Township objects to the Complaint, and Amendment, alleging the pleadings fail to conform to the rules of court and include impertinent matter. Pa. R. Civ. P. 1028(a)(2). As this preliminary objection will be sustained, discussion of the remaining preliminary objections is not necessary.²

This Court’s analysis begins with a summary of the principles which guide Pennsylvania pleading practice. Those principles are grounded in the concept that the primary purpose of pleading is to formulate the issues in dispute and provide the defendant notice of the grounds upon which the litigation rests. *Unified Sportsmen of Pa. v. Pa. Game Comm’n.*, 950 A.2d 1120 (Pa. Cmwlth. 2008). This concept recognizes all parties to an action are entitled to know the issues before the court and the nature and extent of all claims so they

² Additional objections raised by Township include a challenge to StoneHedge’s standing; lack of jurisdiction; and demurrer. As the current nature of the pleadings precludes meaningful consideration of the remaining preliminary objections, this Court will not act on them until they are more precisely clarified through amended pleading.

may be met by proper evidence. *Weiss v. Equibank*, 460 A.2d 271 (1983). A pleading is sufficiently specific if it provides enough facts to enable an opposing party to frame an answer and prepare a defense. *Banfield v. Cortes*, 922 A.2d 36 (Pa. Cmwlth. 2007). This purpose would be thwarted if courts, rather than the parties, were burdened with the responsibility of deciphering causes of action from a pleading of facts which obscurely support the claim being raised. *Krajsa v. Key punch, Inc.*, 622 A.2d 355 (Pa. Super. 1993).

With this conceptual foundation, the Rules of Procedure require the material facts upon which a cause of action is based to be stated in a concise and summary form. Pa. R. Civ. P. 1019(a). In furtherance of a clear and concise pleading, the Rules of Civil Procedure direct each cause of action shall: (1) be stated in a separate count containing a demand for relief, Pa. R. Civ. P. 1020; (2) be divided into paragraphs containing as far as practical only one material allegation, Pa. R. Civ. P. 1022; and (3) reference official documents and acts rather than attaching the relevant documents to the complaint, Pa. R. Civ. P. 1019(d). Additionally, the complaint must be tailored so as to give a defendant clear and exact information as to what is claimed of him or her. *Id.* A complaint which is concise is one which expresses in reasonably comprehensive and brief terms the facts upon which the cause of action is based. *Pike Cty. Hotels Corp. v. Kiefer*, 396 A.2d 677 (Pa. Super. 1978). In this regard, at least one court has suggested that a party's primary consideration when deciding whether or not to include a certain allegation of fact should be whether the complaint without the particular allegation would otherwise be sufficient. *Walton v. Matthias*, 53 Pa. D&C 140 (C.P. 1945). Normally, a plaintiff should not anticipate defenses and draft a complaint attempting to negate their existence. *Delmont Gas Coal Co. v. Diamond Alkali Co.*, 119 A. 710 (Pa. 1923). Allegations in the complaint anticipating defenses, advancing conclusions of law, and raising argumentative averments only detract from the clarity of the pleading thereby unnecessarily complicating the nature of the precise issues being raised. In determining the propriety of the particular pleading, the court has broad discretion as the standard of pleadings set forth in the procedural rules is incapable of precise measurement and depends largely on the circumstances of each particular case. *Jackson v. Southeastern Pennsylvania Transp. Authority*, 566 A.2d 638 (Pa. Cmwlth. 1989).

Applying this guidance to the current pleading, it is apparent that the Township's preliminary objection is well placed. The difficulty with the current pleading is not that it lacks thoroughness but rather its prolixity obfuscates the actual issues. For instance, as best as this reader can decipher, StoneHedge is questioning the validity of Township's adoption of three separate ordinances under two separate legal theories: (1) the appeal procedures set forth in Act 209³; and (2) the Declaratory Judgment Act.⁴ Yet, the current pleading extrapolates these fairly straightforward claims into 21 separate counts. While it is true that the Pennsylvania Rules of Procedure require each cause of action to be stated in a separate count, Pa. R. Civ. P. 1020(a), splitting each individual act or factual claim into a separate count lacks the conciseness necessary to address the merits.

Additionally, as noted by the Preliminary Objections, the current Complaint violates clear directives in the Rules of Procedure. For instance, paragraphs 12 and 13 of the Complaint allege that both the Act 209 appeal and the action for declaratory relief apply to each of the 21 separate counts despite the clear instruction of Pa. R. Civ. P. 1020 discussed above requiring the separation of distinct legal causes into separate counts. Similarly, the numerous counts in the Complaint do not contain a separate demand for relief. Rather, a 20 paragraph conclusory section to the Complaint titled "Request for Relief" identifies a litany of requests for relief in a cumulative fashion for all preceding counts. This style of pleading clearly violates the Rules of Procedure which require each count to contain a separate demand of relief. Pa. R. Civ. P. 1020. Finally, the Complaint improperly contains a significant number of argumentative claims,⁵

³ 53 P.S. § 10506-A(a)

⁴ 42 Pa. C.S.A. § 7531 et seq

⁵ For instance, paragraph 217 suggests "One simple and reasonable way to prevent some of the manipulation is to construe the termination of a plan for any one improvement as sufficient to trigger a refund under 53 P.S. § 10505(g)(1)." This paragraph is representative of a significant number of paragraphs which are purely argumentative.

improperly anticipates defenses,⁶ and includes impertinent⁷, unnecessary⁸, and scandalous allegations.⁹

In sum, the Complaint significantly hampers this Court's ability to define the issues and meaningfully address them in context with the other Preliminary Objections filed by Township. Accordingly, Township's Preliminary Objections will be sustained.

StoneHedge will be granted twenty (20) days within which to file an Amended Complaint in compliance with this Opinion. As such, it is anticipated that any Amended Complaint will be segregated into a limited number of counts identifying the precise legal theory for the claim, a concise statement of allegations supporting the claim, and the specific relief being requested pursuant to each claim. Argument and unnecessary citations to legal authority should be eliminated. All parties will have sufficient opportunity to factually develop their positions at an appropriate time which can occur only after the parties specifically and concisely identify the issues in dispute.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 24th day of January, 2018, Defendant's Preliminary Objection on the basis the Complaint violates Pa. R. Civ. P. 1019(a) and 1020(a) is sustained. The Complaint in this matter is stricken in its entirety. Plaintiff is granted twenty (20) days from the date of this Order within which to file an Amended Complaint. Failure to do so may result in this matter being dismissed upon praecipe of the Defendant.

⁶ The Complaint devotes 20 paragraphs to StoneHedge's standing. A footnote to the header identifying the paragraphs related to standing reads: "Standing is addressed here pre-emptively, because StoneHedge anticipates that it may be raised as an issue."

⁷ Paragraphs 244 through 250 appear to be instructions on how to read the Complaint. For instance, paragraph 246 reads: "The header for each count summaries [sic], highlights or exemplifies each count and is not intended to limit the scope of the challenge."

⁸ The Complaint is not only full of citations to various sections of Act 209 and the Municipalities Planning Code but also contains full verbatim reprint of various sections from the referenced statutes. The Complaint, in a style similar to a legal brief, cites case law and other references. It also includes hundreds of pages of exhibits contrary to the intent of Pa. R. Civ. P. 1019(d).

⁹ As an example, the Complaint reads: "The impact fees – a` la Straban – have hurt economic growth in Straban and Adams County as a whole."

It is further Ordered that Plaintiff's Preliminary Objections to Defendant's Preliminary Objections are summarily dismissed without prejudice as moot.

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 16th day of March 2018, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

No. 17-SU-880

DITECH FINANCIAL LLC

vs.

DAMIAN ANGELES-CASTILLO

PROPERTY ADDRESS: 465 ROCK VALLEY ROAD, ASPERS, PA 17304 UPI / TAX PARCEL NUMBER: 40H06-0103--000

Tyrone Township, Adams County, IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$173,044.45

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

No. 16-SU-953

PNC BANK, NATIONAL ASSOCIATION

vs.

RUSSELL JOSEPH BAUGHMAN

PROPERTY ADDRESS: 390 SMITH ROAD, GETTYSBURG, PA 17325 UPI / TAX PARCEL NUMBER: 38G12-0014A-000

Straban Township, Adams County

IMPROVEMENTS THEREON:

Residential Property

JUDGMENT AMOUNT: \$48,198.09

Udren Law Offices, P.C.

Woodcrest Corporate Center 1

Cherry Hill, Nj 08003-3620 856-669-5400

No. 17-SU-1010

PNC MORTGAGE, A DIVISON OF

PNC BANK NATIONAL ASSOCIATION

vs.

STANLEY BRENNER

PROPERTY ADDRESS: 327 NORTH STREET, MCSHERRYSTOWN, PA 17344-1422 UPI / TAX PARCEL NUMBER: 28-005-0068-000

McSherrystown Borough, ADAMS County, Pennsylvania, (Acreage or street address)

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$120,881.89

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

No. 17-SU-1055

NATIONSTAR MORTGAGE LLC D/B/A

MR. COOPER

vs.

ADRIAN C. BUCCHIONI

PROPERTY ADDRESS: 20 EWELL

DRIVE, EAST BERLIN, PA 17316 UPI /

TAX PARCEL NUMBER: 36102-0048-000

Reading Township, Adams County, PA

(Acreage or street address)

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$203,495.30

Attorneys for Plaintiff KML Law Group, P.C.

No. 17-SU-789

ASTORIA BANK

vs.

CHRISTINE A CLOUSER, KNOWN

SURVIVING HEIR OF TERRI L.

NEIDERER, UNKNOWN SURVIVING

HEIRS OF TERRI L. NEIDERER,

CARROLL BRADFORD

SNEERINGER; KNOWN SURVING

HEIR OF TERRI L. NEIDERER,

CARROLL BRADFORD SNEERINGER,

IN HIS CAPACITY AS KNOWN

SURVIVING HEIR OF TERRI L.

NEIDERER

PROPERTY ADDRESS: 185

BOLLINGER ROAD, LITTLESTOWN, PA

17340 UPI / TAX PARCEL NUMBER:

15J18-0066B--000

in Germany Township, Adams County, Pennsylvania,

IMPROVEMENTS THEREON ARE:

Residential Dwelling

JUDGMENT AMOUNT: \$126,508.27

McCabe, Weisberg & Conway, LLC 1

Philadelphia, PA 19109

No. 17-SU-885

VANDERBILT MORTGAGE AND

FINANCE, INC.

vs.

AMANDA N. CUDDY, PHILIP J.

SLAUGH

PROPERTY ADDRESS: 95 COMANCHE

TRAIL, HANOVER, PA 17331 UPI / TAX

PARCEL NUMBER: 08-012-0050-000

(Acreage or street address)

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$176,893.22

Attorneys for Plaintiff KML Law Group, P.C.

No. 17-SU-938

DITECH FINANCIAL LLC

vs.

SUSAN C. HARBIN, EDWIN L.

HARBIN

PROPERTY ADDRESS: 784 HOFFMAN

HOME ROAD, GETTYSBURG, PA

17325 UPI / TAX PARCEL NUMBER:

30H17-0005--000

Mt Joy Township, Adams County,

Pennsylvania,

(Acreage or street address)

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$276,728.55

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

No. 16-SU-1318

M&T BANK

vs.

ROBERT DALE HICKS

PROPERTY ADDRESS: 36 EAST

HANOVER STREET, GETTYSBURG, PA

17325 UPI / TAX PARCEL NUMBER:

06005-0088-000

Borough of Bonneauville, Adams

County, Pennsylvania Parcel No:

06005-0088-000

(Acreage or street address)

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$271,453.84

Attorneys for Plaintiff KML Law Group,

P.C.

No. 17-SU-503

WELLS FARGO BANK, N.A.

vs.

SHAUN R. KAUFFMAN, MICHELLE

BUSER

PROPERTY ADDRESS: 5297

CHAMBERSBURG ROAD, ORRTANNA,

PA 17353 UPI / TAX PARCEL NUMBER:

12-B09-014400-0

Franklin Township

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$94,636.61

Millstead & Associates, LLC

(856) 482-1400

Attorney for Plaintiff

No. 17-SU-978

FIRST COMMUNITY BANK OF

MERCERSBURG

vs.

BRENDON D. MARTIN

Carroll Valley Borough, Adams

County, Pennsylvania

PROPERTY ADDRESS: 6565

FAIRFIELD ROAD, FAIRFIELD, PA

17320

UPI / TAX PARCEL NUMBER: 43-035-

0179-000

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$146,670.79,

Attorney for Plaintiff

Kornfield and Benchoff, LLP

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

2/16, 2/23 & 3/2

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 16th day of March 2018, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

No. 17-SU-737
PHH MORTGAGE CORPORATION
 vs.
VASILIOS A. KAVALOS, KALIOPE A. KAVALOS, PAGONA KAVALOS
 PROPERTY ADDRESS: 90 HEMLOCK DRIVE, HANOVER, PA 17331 UPI / TAX PARCEL NUMBER: 08021-0165--000 (Acreage or street address)
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$123,848.30
 Hanover Borough, Adams County, Pennsylvania,
 Attorneys for Plaintiff
 Phelan Hallinan Diamond & Jones, LLP

No. 17-SU-286
WELLS FARGO BANK, NA
 vs.
ELIZABETH ANN LIFE, JEFFREY L. LIFE
 PROPERTY ADDRESS: 261 CLINES CHURCH ROAD, ASPERS, PA 17304 UPI / TAX PARCEL NUMBER: 29F05-0010-000
 Township of Menallen
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT \$150,461.51
 MANLEY DEAS KOCHALSKI LLC
 Columbus, OH 43216
 614-220-5611

No. 17-SU-804
BANK OF AMERICA, N.A.
 vs.
SCOTT ALAN MORRISON AS ADMINISTRATOR OF THE ESTATE OF ROBERT W. ANDERSON, DECEASED, ROBERT CHRISTIAN ANDERSON SOLELY IN HIS CAPACITY AS HEIR OF ROBERT W. ANDERSON, DECEASED, THE UNKNOWN HEIRS OF ROBERT W. ANDERSON DECEASED, HEATHER TEN EYCK
 PROPERTY ADDRESS: 9 CROSS TRAIL, FAIRFIELD, PA 17320
 Carroll Valley Borough
 UPI / TAX PARCEL NUMBER: 43-018-0009-000
 (Acreage or street address)
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$141,030.21
 Attorneys for Plaintiff KML Law Group, P.C.

No. 16-SU-10
U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION
 vs.
WILLIAM J. NIEVES, REBEKAH NIEVES
 PROPERTY ADDRESS: 44 PINE RIDGE ROAD, ASPERS, PA 17304 UPI / TAX PARCEL NUMBER: 29E05-0062A--00
 Menallen Township
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$207,672.67
 Attorney for Plaintiff Shapiro & DeNardo LLC

No. 12-SU-1845
MID ATLANTIC STORAGE SYSTEMS, INC.
 vs.
PAINT THE WIND, LLC
 PROPERTY ADDRESS: 1207 Flohrs Church Rd., Biglerville, PA 17307 UPI / TAX PARCEL NUMBER: 12D10-0005 - -000
 Franklin Township, Adams County PA
 IMPROVEMENTS THEREON: partially constructed commercial buildings
 JUDGMENT AMOUNT: \$132,986.40
 Attorney for the Plaintiff
 Kaplin Steward Meloff Reiter & Stein, PC

No. 17-SU-1066
WELLS FARGO BANK, NA
 vs.
EDWARD V PREIS
 PROPERTY ADDRESS: 1319 GRANITE STATION ROAD, GETTYSBURG, PA 17325 UPI / TAX PARCEL NUMBER: 38-H12-0096
 Straban Township, Adams County, Pennsylvania,
 (Acreage or street address)
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$98,727.22
 Attorneys for Plaintiff
 Phelan Hallinan Diamond & Jones, LLP

No. 16-SU-845
CITIMORTGAGE, INC. S/B/M TO ABN AMRO MORTGAGE GROUP, INC.
 vs.
ROBERT D. RHOTEN, JEANNETTE G. RHOTEN
 PROPERTY ADDRESS: 115 HEMLOCK DRIVE, HANOVER, PA 17331 UPI / TAX PARCEL NUMBER: 08021-0075
 Conewago Township, Adams County Pennsylvania
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$95,398.13
 Attorney for Plaintiff
 PHELAN HALLINAN DIAMOND & JONES LLP

No. 17-SU-1179
THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE FOR JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF POPULAR ABS, INC. MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-D
 vs.
KUMAR SAMBHAV
 PROPERTY ADDRESS: 207 HANOVER STREET, NEW OXFORD, PA 17350 UPI / TAX PARCEL NUMBER: 34008-0035-000
 Borough of New Oxford, Adams County PA
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$188,723.31
 Attorney for Plaintiff Udren Law Offices P.C.

No. 17-SU-682
WELLS FARGO BANK, N.A. S/B/M TO WACHOVIA BANK, NATIONAL ASSOCIATION
 vs.
HOWARD WESLEY SENSENEY, MARGIANA SENSENEY
 PROPERTY ADDRESS: 833 TEETER ROAD, LITTLESTOWN, PA 17340 UPI / TAX PARCEL NUMBER: 15-H18-0101--000
 Germany Township, Adams County, Pennsylvania,
 IMPROVEMENTS THEREON:
 Residential Dwelling
 JUDGMENT AMOUNT: \$259,133.92
 Attorneys for Plaintiff
 Phelan Hallinan Diamond & Jones, LLP

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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.

James W. Muller
 Sheriff of Adams County
 www.adamscounty.us
 2/16, 2/23 & 3/2

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 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 COLLEEN R. FLESHMAN a/k/a COLLEEN ROSE FLESHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Colleen A. Cole, 275 Shippensburg Road, Biglerville, PA 17307

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

ESTATE OF WALLACE FORD, SR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Ms. Cherry L. Shanebrook, 105 Drummer Drive, New Oxford, PA 17350

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF GENEVIEVE H. HECKER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: John M. Hecker, 316 Lake Meade Drive, East Berlin, PA 17316

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

ESTATE OF LAWRENCE F. KLUNK, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Debra A. Zelanko, 20 Fox Tail Drive, Hanover, PA 17331

ESTATE OF BARRY L. KOONTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: George Russell Koontz, c/o John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF HILDA E. LYBA-SELL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Ms. Terri Ann B. Shaner, 16 Franklin Drive, McSherrystown, PA 17344

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF PATSY L. MELLOTT, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: John W. Schubert, a/k/a John W. Shubert, 76 Hillside Drive, Chambersburg, PA 17202

Attorney: Mark T. Orndorf, Esq., Family First Estate Services, 1110 Kennebec Drive, Chambersburg, PA 17201

ESTATE OF NADINE E. NEIDERER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: Timothy W. Neiderer, 80 Kohler School Rd., New Oxford, PA 17350; Jeffrey J. Neiderer, 10 Bair Rd., New Oxford, PA 17350

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF BEVERLY J. NEWMAN, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Melissa A. Tschida, 55 Gablers Road, Aspers, PA 17304

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

ESTATE OF LLOYD M. UPHOLD, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Lorna M. Uphold, c/o Genevieve E. Barr, Esq., 11 Carlisle Street, Suite 301, Hanover, PA 17331

Attorney: Genevieve E. Barr, Esq., 11 Carlisle Street, Suite 301, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF WILLIAM B. CULLISON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Billie Ann Guise, 4 Leyland Court, Gettysburg, PA 17325; Frances M. Fuhrman, 220 Oak Hill Circle, Hanover, PA 17331

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

ESTATE OF RONALD J. DAVIS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Eric J. Davis, 64 Sugarboot Lane, Hanover, PA 17331

Attorney: Matthew E. Teeter, Esq., Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF MEREDA A. HELM, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executrices: Paulette Kelley, 149 North College Street, Carlisle, PA 17013; Faye Bowermaster, 142 East Penn Street, Carlisle, PA 17013

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

ESTATE OF THOMAS B. LAMANO, SR., DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Thomas B. Lamano, Jr., P.O. Box 117, Garden City, NY 11530

Attorney: Clayton A. Lingg, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF ALICE R. SHELLEMAN a/k/a ALICE REBECCA SHELLEMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Lloyd E. Shelleman, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF JANE E. WALLACE a/k/a JANE ELLEN KLEIN, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administratrix CTA: Julie McCall, 120 Norman Ave., Roebbling, NJ 08554

Attorney: Melanie Kaplan, Esq., Rothkoff Law Group, 425 Rte. 70 West, Cherry Hill, NJ 08002

THIRD PUBLICATION

ESTATE OF CAROLYN G. COBER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: ACNB Bank formerly Adams County National Bank, 675 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF LOIS E. DANNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Donna D. Danner Leese, 435 Deerfield Dr., Hanover, PA 17331; Donald E. Danner, Jr., 1070 Peepytown Rd., East Berlin, PA 17316; Lyn D. Danner, 4050A Pine Hill Rd., Dover, PA 17315

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

ESTATE OF LEONARD ALLEN GOTHBERG, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Evan Chasse, 2501 Shannon Court, Orlando, FL 32806

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

ESTATE OF PATRICIA L. GROFT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Tammy K. Cleveland, 380 Tract Road, Fairfield, PA 17320; Christopher A. Groft, 165 Orrtanna Road, Orrtanna, PA 17353

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JOHN A. HOFFACKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

John A. Hoffacker, Jr., 151 Madara Drive, Hanover, PA 17331; Bret A. Hoffacker, 300 Orchard Drive, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF INGRID M. KWIATEK, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Albert F. Kwiatek, 290 Lake Meade Drive, East Berlin, PA 17316

ESTATE OF THERON J. MENGES, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Lisa M. Kessel, 125 East Hillcrest Drive, Carlisle, PA 17013

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

ESTATE OF SAMUEL M. SOLLENBERGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Neil R. Sollenberger, 112 Rodes Avenue, Gettysburg, PA 17325

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

ESTATE OF NANCY M. WATERS a/k/a NANCY MARIAN WATERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Deborah J. Fornwald, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF MARY ELLEN WHERLEY a/k/a MARY E. WHERLEY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Rodney J. Wherley, 2A Filbert Street, Hanover, PA 17331

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 16th day of March 2018, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz. :

**No. 17-SU-594
BANK OF AMERICA, N.A.**

vs.
THOMAS MICHAEL TIPTON, FAITHE ELIZABETH TIPTON, GARRY MARSHALL MORRIS
PROPERTY ADDRESS: 280 OLD WESTMINSTER ROAD, HANOVER, PA 17331

Township of Union, Adams County, Pennsylvania,
UPI / TAX PARCEL NUMBER: 41K18-0035--000
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$182,128.84
McCabe, Weisberg & Conway, LLC Philadelphia, PA 19109

**No. 11-SU-317
21ST MORTGAGE CORPORATION**

vs.
TIMOTHY L. WILKINSON, CHRISTINE M WILKINSON
PROPERTY ADDRESS: 757 GABLERS ROAD, GARDNERS, PA 17324
Menallen Township, Adams County
UPI / TAX PARCEL NUMBER: 29-F404-0047A-000
(Acreage or street address)
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$266,208.90
Attorneys for Plaintiff KML Law Group, P.C.

**No. 17-SU-1014
WELLS FARGO BANK, N.A.**

vs.
CRYSTAL L. WOLF, JARED M. WOLF
PROPERTY ADDRESS: 5 AMBER VIEW, EAST BERLIN, PA 17316
Reading Township, Adams County, Pennsylvania, being
UPI / TAX PARCEL NUMBER: 36K08-0212--000
IMPROVEMENTS THEREON:
Residential Dwelling
JUDGMENT AMOUNT: \$235,550.18
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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.

James W. Muller
Sheriff of Adams County
www.adamscounty.us
2/16, 2/23 & 3/2