

# Adams County Legal Journal

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IN THE COURT OF  
COMMON PLEAS OF  
LANCASTER COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION  
2008 - 1970

IN RE: BABY BOY KNAUB, aka, ASHER  
AIDEN COSTAS, A Minor

TO: Damien Knaub

You are hereby notified that a Petition to Involuntary Termination of Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child, BABY BOY KNAUB, aka, ASHER AIDEN COSTAS (born July 24, 2008). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Court Room No. 6 (Orphans' Court Room), on the Third Floor of the Lancaster Co. Court House, situate at 50 N. Duke St.,

Lancaster, PA, said hearing to be held on 01/22/09, at 9:15 o'clock a.m. If you do not appear at this hearing, the court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and your rights to your child may be ended by the Court without your being present.

You are also notified that following the hearing to consider ending your rights to your children, an adoption hearing may be held, as a result of which the Court may decree that an adoption take place whereby your child shall be adopted by another and all parental rights with respect to the child shall be placed in another.

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

Court Administrator  
Court Administrator's Office  
Lancaster Co. Court House  
50 N. Duke St.  
Lancaster, PA 17602  
Telephone No. 717-299-8041

1/2 & 9

It's times like these when you and your clients need the expertise and experience provided by a trust professional.

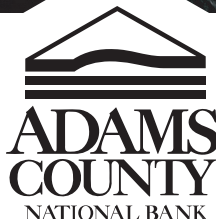
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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1041 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being known as Lot No. 353 in Section K, Charmita, Inc., more particularly bounded and described as follows:

BEGINNING at a point in the center of Northern Pike Trail at Lot No. 354; thence by said lot North 48 degrees 17 minutes 17 seconds West, 225 feet to lands of William Schultz; thence by said lands North 41 degrees 42 minutes 43 seconds East, 100 feet to Lot No. 352; thence by said lot South 48 degrees 17 minutes 17 seconds East, 225 feet to a point in the center of said Northern Pike Trail; thence in said Northern Pike Trail South 41 degrees 42 minutes 43 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section K, Charmita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at Page 42.

TITLE TO SAID PREMISES IS VESTED IN Antonietta Dimeo and Mario Dimeo, w/h, as tenants by the entirety, by Deed from Charles W. Martin and Catherine M. Martin, h/w, dated 12/30/2004, recorded 01/04/2005, in Deed Book 3826, page 316.

Tax Parcel: (43) 003-0036-000

Premises Being: 23 Northern Pike Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Antonietta Dimeo & Mario Dimeo** and to be sold by me.

James W. Muller-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 February 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/19, 24 & 1/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1158 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following piece, parcel or tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows, to-wit:

BEING shown on a plan of lots entitled "Test Estates Phase IV", a Planned Residential Community, dated March 30, 2005 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 89, page 93, and designated as Lot No. 64 thereon.

HAVING erected thereon a dwelling known as 48 S. Orchard View Drive, Hanover, PA 17331

BEING the same premises which NVR, Inc. A Virginia Corporation, by Deed dated 09/29/2006 and recorded 11/03/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4629, Page 333, granted and conveyed unto Steven Clark and Dana Morrison-Clark.

BEING Parcel No # (04) L 11-0212

SEIZED and taken into execution as the property of **Steven Clark & Dana Morrison-Clark** and to be sold by me.

James W. Muller-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 February 6, 2009, and distribution will be made in accor-

dance with said schedule, unless exceptions are filed thereto within 20 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.

12/19, 24 & 1/2

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that a certificate was filed on December 22, 2008, under the Fictitious Names Act approved May 24, 1945, in the Office of the Secretary of the Commonwealth of Pennsylvania setting forth that Suzanne Dell is the only person owning or interested in a business, the character of which is a custom drapery workroom and that the name, style and designation under which said business is and will be conducted is CUSTOM DRAPERY BY SUZANNE and the location where said business will be located is 371 Old Westminster Road, Hanover, PA 17331.

1/2

## NITCHMAN VS. NITCHMAN

1. The lower court's objective in selecting a date for the valuation of marital assets is to select a date which works economic justice between the parties. The same date does not need to be used for all assets.

2. The Court has generally used the date of distribution as the point at which to determine the value of assets; using a different date only in rare situations where one spouse consumes or disposes of marital assets or there are other conditions that make current valuation difficult.

3. The Pennsylvania Supreme Court has declared that to live separate and apart there must be an independent intent on the part of one of the parties to dissolve the marital union and the intent must be clearly manifested and communicated to the other spouse. Whether or not the parties lived together is not controlling.

4. The Court holds that the date of separation is the presumptive date as set forth in 23 Pa.C.S.A. §3103. If either spouse asserts an earlier or later date of separation, he or she must overcome that presumption by proving that the parties had independent intent to dissolve the marital union and that the intent was clearly manifested and communicated to the other spouse.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 05-S-1334, SUSAN C. NITCHMAN VS. RODNEY C.  
NITCHMAN.

Timothy J. Shultis, Esq., for Plaintiff

Larry W. Wolf, Esq., for Defendant

Bigham, J., January 16, 2008

### OPINION

#### STATEMENT OF FACTS

Susan Nitchman ("Wife") and Rodney Nitchman ("Husband") were married in August 1973. Wife, who is 56 years of age, works for the Commonwealth of Pennsylvania and Husband, who is 57 years of age, works for Packaging Corporation of America. The parties have three children, only one of whom is a minor. The minor child lives with Wife.

Sometime in the late 1980s, the parties began sleeping separately. Husband remained in the bedroom and Wife slept on the couch. In 2003, the parties added an addition onto their home, which became Wife's bedroom. Wife filed a Divorce Complaint in Potter County on December 10, 2004, which was served on December 20, 2004. The parties came to a preliminary agreement regarding division of personal property. Wife discontinued the Potter County Divorce action on November 28, 2005 and filed a Divorce Complaint and

Petition for Exclusive Possession in Adams County on December 6, 2005. The Complaint and Petition for Exclusive Possession were served on December 9, 2005. Husband agreed to move out of the marital residence, which was reduced to Court Order, and he left on February 7, 2006.

The parties dispute the date of separation. Wife proposed the Master use November 15, 2004 as the date of separation, the date she signed the Potter County Divorce Complaint, whereas Husband proposed the Master use February 7, 2006, the date Husband moved out of the marital residence.

On November 9, 2006, Husband filed a Motion for Appointment of a Master. The parties stipulated to Bifurcation, which was granted on November 22, 2006. A Master's Hearing was held on March 15, 2007 for the purposes of determining distribution of marital property, counsel fees, costs and expenses. The Master filed his Report and Recommendation on August 22, 2007. Husband and Wife subsequently signed Affidavits of Consents and Waivers of Notices, and a Praecipe to Transmit Record was filed on October 3, 2007. A Divorce Decree was issued on October 5, 2007. Wife filed Exceptions on September 13, 2007 and Husband filed Counter-Exceptions on September 25, 2007. Both parties timely filed briefs in support and briefs in opposition.

The Master found that the parties agreed to a 50/50 distribution and the Master asserted that he would have apportioned the estate 50/50 as well. The parties also agreed on the distribution of personal property by a separate agreement on March 24, 2007, which the Master stated he incorporated into his Report. The Master did not consider the value of personal property. The Master assigned each party 50% of the costs and fees, and the parties are responsible for their own counsel fees. The Master found the net marital estate to be \$333,273.31. The Master awarded Husband the marital residence (\$175,000.00) and the 2002 Jeep Cherokee (\$10,800.00), and awarded Wife the SERS Pension (\$184,626.68) and the 2000 Dodge Stratus (\$6,225.00). The Master further ordered Husband to take over full responsibility for the home equity loan (\$43,379.37) and receive a credit from wife for half its value. Because the Master awarded Husband the marital home and the 2002 Jeep Cherokee and Wife the Pension and the 2000 Dodge Stratus, the Master awarded

Husband 1/2 the difference between the value of the two awards. Further, because the distribution is 50/50, the Master declared that Wife is entitled to 1/2 the value of the marital residence, subtracted by her half of the home equity loan paid by Husband and half of the difference of additional assets received by Wife. Husband is entitled to 1/2 the value of Wife's pension. The Master declared the date of separation to be February 7, 2006 because that was the date Husband moved out of the marital residence.

The parties filed the following Exceptions:

Wife

- [1] The Master erred in determining the value of Defendant's 2002 Jeep Cherokee at Ten Thousand Eight Hundred (\$10,800.00) Dollars.
- [2] The Master erred in failing to include as marital property Defendant's Tenneco Packaging retirement annuity valued at Seven Thousand One Hundred Forty Dollars and Thirty-One (\$7,140.31) Cents.
- [3] The Master erred in determining that the date of separation was February 7, 2006, under 23 Pa. C.S.A. § 3103, as amended, and not November 15, 2004.
- [4] The Master erred in accepting the evaluation of Plaintiff's SERS pension based on the February 7, 2006 date of separation and not November 15, 2004.
- [5] The Master erred in applying credits to Plaintiff's equitable distribution share resulting in a net payment to Plaintiff of Sixty-Three Thousand Two Hundred Eighty-Four Dollars and Forty-Eight (\$63,284.48) Cents.

Husband

- [1] The Master erred in not using the immediate off set calculation of Wife's SERS pension value against the value of the marital residence.
- [2] The Master erred in not awarding Husband the marital residence with a credit for Husband's marital share of Wife's SERS pension.<sup>1</sup>

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<sup>1</sup> Husband originally filed a third exception, which he later withdrew.

## DISCUSSION

### Vehicle Valuations

At the time of separation, Wife was driving a 2000 Dodge Stratus (“Dodge”) and Husband was driving a 2002 Jeep Cherokee (“Jeep”). Both of these vehicles were acquired during the marriage, and there is no dispute that the vehicles are marital property. At the Master’s Hearing, Wife provided a NADA value for both vehicles as of November 2004,<sup>2</sup> whereas Husband provided a NADA value for only the Jeep as of February 2007. The Master found that the date of distribution was the Master’s hearing. The Master accepted Husband’s 2007 valuation of the Jeep at \$10,800, but because he did not have a 2007 valuation for the Dodge, he accepted Wife’s 2004 valuation of \$6,225. Consequently, the Master chose an earlier, higher, valuation for Wife’s vehicle, and a later, lower, valuation for Husband’s vehicle.

“The lower court’s objective in selecting a date for the valuation of marital assets is to select a date which works economic justice between the parties.” *Fishman v. Fishman*, 805 A.2d 576, 579 (Pa. Super. 2002), quoting *McNaughton v. McNaughton*, 412 Pa. Super. 409, 414, 603 A.2d 646, 649 (1992). The same date does not need to be used for all assets. *Smith v. Smith*, 904 A.2d 15, 18 (Pa. Super. 2006). The Supreme Court in *Sutliff v. Sutliff*, 518 Pa. 378, 543 A.2d 534 (1988), held that it was “implicit” in the statutory provisions governing equitable distribution “that a valuation date reasonably proximate to the date of distribution” be utilized. *Sutliff*, 518 Pa. at 381, 543 A.2d at 536. Since *Sutliff*, the Court has generally used the date of distribution as the point at which to determine the value of assets; using a different date only in rare situations where one spouse consumes or disposes of marital assets or there are other conditions that make current valuation difficult. See *Benson v. Benson*, 425 Pa. Super. 215, 624 A.2d 644 (1993) (Closely held family business properly valued as of separation date; value of business, which was under husband’s control, would be difficult to value after separation because husband could influence value of business.); *McNaughton* 603 A.2d 646 (It was not an abuse of discretion to value a family oil business, which was largely under the control of one spouse, as of the

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<sup>2</sup>November 2004 is Wife’s proposed date of separation and proposed date of distribution.

date of separation, although the lower court should have valued the real estate as close to the date of distribution as possible.)

The Court agrees with Wife and finds the method of valuation used by the Master to be inequitable. In the case at bar, Wife provided a valuation for both her vehicle and her Husband's vehicle, whereas Husband only provided a value for his own vehicle. The Master declared the point in time closest to Husband's valuation to be the date of distribution, however, he only had Husband's own vehicle valuation for that point in time. Thus, the Master used Wife's earlier, higher, valuation for her own vehicle. The Court finds that using Husband's later valuation for his vehicle and Wife's earlier valuation for her vehicle is inequitable and does not effectuate economic justice between the parties. Wife provided a vehicle valuation for both vehicles, and she should not have to suffer a legal and financial detriment because Husband did not do the same. Thus, Wife's first Exception is granted and the Court will accept Wife's November 2004 valuation of \$6,225.00 for the Dodge and \$15,725.00 for the Jeep.

#### Husband's Retirement

Wife states that Husband has a Tenneco Packaging Retirement Annuity worth \$7,140.31 and it was not mentioned or considered by the Master. She states that the parties agreed during the Master's Hearing to hold the record open because Husband had not yet had the annuity valued. Wife asserts that Husband submitted an appraisal to the Master on March 22, 2007. The Master's Report makes no mention of Husband's annuity, and Husband alleges that he and Wife made an oral agreement that Wife would no longer pursue his annuity. Husband suspects that the lack of distribution by the Master was intentional due to the fact that the Master disregarded various alleged transfers made by Wife.

The Court agrees with Wife and finds that the Master's non-inclusion of Husband's Tenneco Packaging Retirement Annuity was unintentional and that the annuity is marital property subject to distribution. There is no evidence of an agreement between Husband and Wife that Wife would no longer pursue the annuity, and the fact she requested an appraisal and Husband had an appraisal done is evidence to the contrary. There is little doubt that the annuity is marital property; it was acquired during the marriage, and Husband even testified "she wants half of it, I have no problem." (N.T. 116). Thus,

Wife's second Exception is granted, and Husband's Tenneco Packaging Retirement Annuity will be distributed according to the 50/50 scheme of distribution. For ease of administration, Husband will be permitted to keep the entire annuity and the value will be offset by a reduction in the amount of Wife's pension distributed to him.

#### Date of Separation

Wife argues that the parties began living "separate and apart" as defined in 23 Pa.C.S.A. §3101 long before the date the Master assigned as the date of separation. Wife maintains that the Master misapplied the statute by assigning February 7, 2006, "the date of physical separation" as the date of separation, and argues that she has overcome the statutory presumption that the date of separation is the date the Divorce Complaint is served, or in the alternative, that the parties separated upon the filing of the Potter County Divorce Complaint. Wife states that she slept on the couch from 1988-2003, because Husband stated that he wanted to be just friends.<sup>3</sup> In 2003, the parties built an extension onto the home for Wife's bedroom and living room. At this point, Wife maintains the parties began to cease cohabitating completely, such as not eating together, not sleeping together, not watching TV together, and not going on vacations together. Although Wife asserts the parties began living separate and apart before filing the Potter County action, she is willing to accept the date of separation as November 2004 when she signed the Potter County Divorce Complaint. Husband argues that the presumption in 23 Pa.C.S.A. §3101 refers to the Complaint in the proceeding being currently litigated. The Adams County Complaint was served in December 2005, and physical separation occurred in February 2006. Husband notes that the parties continued to live together after filing the Potter County divorce and maintains that the parties continued to do things together, such as go out to eat, shop, and file joint tax returns. He agrees with the Master that the date of separation was February 2006, however, he is willing to accept the date the Adams County Divorce Complaint was served as the date of separation, and notes its close proximity to the date chosen by the Master.

"A master's report and recommendation, although only advisory, is to be given the fullest consideration, particularly on the question of

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<sup>3</sup>Husband maintains Wife began sleeping on the couch because a dog slept in the bed making sleep difficult for Wife.



credibility of witnesses, because the master has the opportunity to observe and assess the behavior and demeanor of the parties.” *Moran v. Moran*, 839 A.2d 1091, 1095 (Pa. Super. 2003). The Divorce Code defines “Separate and Apart” as “Cessation of cohabitation, whether living in the same residence or not. In the event a complaint in divorce is filed and served, it shall be presumed that the parties commenced to live separate and apart not later than the date that the complaint was served.” 23 Pa.C.S.A. § 3103. In 2005, the original statute was amended to add the presumption of the date the complaint was served. The Pennsylvania Supreme Court has declared that to live separate and apart “[t]here must be an independent intent on the part of one of the parties to dissolve the marital union” and “the intent must be clearly manifested and communicated to the other spouse.” *Sinha v. Sinha*, 515 Pa. 14, 18, 526 A.2d 765, 767 (1987); *McCoy v. McCoy*, 888 A.2d 906 (Pa. Super. 2005). Courts look at a variety of different factors to determine whether or not the parties live “separate and apart.” Such factors include whether or not the parties have private living quarters, a public social life together, take vacations together, eat meals together, go to church together, file joint tax returns, share finances, engage in sexual relations, have affairs, and generally hold themselves out to the public as a married couple. See *Mackey v. Mackey*, 376 Pa. Super. 146, 545 A.2d 362 (1988); *Wellner v. Wellner*, 699 A.2d 1278 (Pa. Super. 1997); *McCoy*, 888 A.2d 906. Whether or not the parties lived together is not controlling. *Britton v. Britton*, 400 Pa. Super. 43, 48, 582 A.2d 1335, 1337 (1990).

In *McCoy*, Husband disputed the date of separation determined by the Master. Although the Master chose the date Wife filed a Divorce Complaint, Husband maintained that the parties began to live “separate and apart” six years earlier. 888 A.2d at 910. The trial court agreed with the Master because Husband and Wife continued to take their children on vacations, to parks, games, church, banquets and family reunions, as well as share finances and file joint tax returns. *Id.* at 910-11. The Superior Court stated that because Husband asserted an earlier date of separation, he had the burden to rebut the presumption that the date of separation was the date the Divorce Complaint was filed and served. Husband had the burden of establishing that one of the parties had an “independent intent...to dissolve the marital union and that the intent was clearly manifested and

communicated to the other spouse.” *Id.* at 912. The Superior Court held that Husband did not meet his burden because there was no evidence that either party had communicated to the other spouse an intent to dissolve the marriage prior to the filing of the Divorce Complaint. *Id.*

Similarly in *Wellner v. Wellner*, 699 A.2d 1278 (Pa. Super. 1997), Husband asserted an earlier date of separation than that determined by the trial court.<sup>4</sup> Husband and Wife had resided in separate residences for thirteen years prior to the filing of the Divorce Complaint. *Id.* at 1280. Although the parties separated in 1979, they seemed to have subsequently reconciled and participated in activities as Husband and Wife, including shopping for cars together, eating meals together, having sexual relations, and taking vacations together. *Id.* Additionally, Husband would stay overnight with Wife every Wednesday and on the weekends, and Wife would cook him meals and wash his clothes. *Id.* The Superior Court upheld the trial court’s separation date, reasoning that “[n]either Husband nor Wife affirmatively indicated their intention to live ‘separate and apart’ until August of 1992, when Wife packed Husband’s clothes and told Husband to leave her and their daughter’s house and not return.” *Id.* at 1281.

In the case at bar, the Court holds that the date of separation is the presumptive date in 23 Pa.C.S.A. § 3103. Thus, the date of separation was the date the Adams County Divorce Complaint was served, December 9, 2005. Because Wife asserts an earlier date of separation, she must overcome that presumption by proving that the parties had “independent intent...to dissolve the marital union and that the intent was clearly manifested and communicated to the other spouse.” *Sinha*, 526 A.2d at 767; *McCoy*, 888 A.2d at 912. Similarly, if Husband asserts a later date of separation, he must also overcome that presumption. Both Husband and Wife testified to participating in certain activities together throughout 2005, such as Husband taking Wife’s checkbook to her at the store, Husband picking up bikes for their minor son, and the parties filing joint tax returns in 2005. The parties continued to live together until February

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<sup>4</sup>The *Wellner* case was decided before the 2005 revisions to 23 Pa.C.S.A. § 3103. The revisions included the addition of the presumptive date of separation to be the date of service of the Divorce Complaint. The trial court determined the date of separation to be August 1992, two months prior to the filing of the Divorce Complaint.

2006, and even though the parties kept separate bank accounts, Wife continued to pay the marital bills. Lastly, Husband testified that he did not want the Divorce back when the Potter County divorce was filed. (N.T. 102) Therefore, Wife has not overcome her burden and that the presumptive date of separation of December 9, 2005 should be used. Wife's third Exception is denied.

#### Value of Wife's Pension

Wife maintains that if the date of separation is determined to be November 15, 2004 instead of February 7, 2006, the pension should be valued only at \$174,115.48. Husband agrees with the Master's valuation of the pension based on the Master's determination of the date of separation. Wife's pension was valued on December 6, 2005 at \$184,026.68. Because the Court determines the date of separation to be December 9, 2005, the Court will adopt the December 6, 2005 pension valuation, the same value adopted by the Master. Thus, Wife's fourth Exception is denied.

#### Amount of Distribution

Wife maintains that the Master's distribution resulted in Husband receiving over \$10,000 more than Wife. Husband argues that there should be an offset of the value of the marital residence against the value of Wife's pension, however, Husband does not discuss a discrepancy in the distribution amounts.

The Court grants Wife's Exception to the extent that the entire scheme of distribution is altered to reflect the adjustments in the amounts consistent with this Opinion. The marital estate is as follows:

#### Marital Assets:

Marital Residence	\$175,000.00
Jeep Cherokee	\$ 15,725.00
Husband's Tenneco Packaging Retirement Annuity	\$ 7,140.31
Wife's SERS Pension Plan	\$184,626.84
Dodge Stratus	\$ 6,225.00
Gross Marital Estate	\$388,717.15

#### Marital Debt:

Home Equity Loan	-\$ 43,379.37
<b>Net Marital Estate (\$388,717.15 - \$43,379.37)</b>	<b>\$345,337.78</b>

Because distribution is 50% to each party, each party is to receive approximately \$172,668.89. Distribution is as follows:

**Husband**

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<i>Assets:</i>	Marital Residence	\$175,000.00
	Jeep Cherokee	\$ 15,725.00
	Tenneco Packaging Retirement Annuity	\$ 7,140.31
<i>Debts:</i>	1/2 Home Equity Loan	-\$ 21,689.69
	1/2 Value of Marital Residence	-\$ 87,500.00
<i>Credits:</i>	Pension from Wife	\$ 83,993.27
<b>Total:</b>		<b>\$172,668.89</b>

**Wife**

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<i>Assets:</i>	SERS Pension Plan	\$184,626.84
	Dodge Stratus	\$ 6,225.00
<i>Debts:</i>	Pension to Husband	-\$ 83,993.27
	1/2 Home Equity Loan	-\$ 21,689.69
<i>Credits:</i>	1/2 Value of Marital Residence	\$ 87,500.00
<b>Total:</b>		<b>\$172,668.88</b>

The credit Wife is to receive from Husband with regard to the value of the marital residence will reflect a deduction for her 1/2 share of the home equity loan. Thus, the total amount she is to receive is \$65,810.31 (\$87,500 - \$21,689.69). Husband's portion of Wife's pension is to be transferred by QDRO. As recommended in the Master's Report, Wife is to initiate the process of creating the QDRO.

Immediate Offset

Husband argues that the Master should have used the immediate offset method of distribution. He maintains that he should keep the house and the equity and Wife should keep her pension, paying out only a small portion of her pension to Husband to make-up the difference in values. The result is that Husband would not be required to refinance the house and assume a large, \$100,000+ mortgage at this point in his life close to retirement. Additionally, Husband notes that he cannot receive any of Wife's pension until she retires, and she is permitted to work until she is 70. On the other hand, Wife states that the offset proposed by Husband would be a financial hardship on her. She notes that while someone can utilize the marital residence immediately by living in it, the pension is useless until retirement.

Wife states that she needs the funds from the equity in the marital residence to find adequate housing for herself and her minor son.

The Court agrees with Wife and will adhere to the Master's recommended method of distribution. Because the parties do not have substantial liquid assets, Wife needs the cash from the refinancing to purchase a home for herself and her son. Husband's need for retirement savings is met because he will receive a substantial portion of Wife's retirement account, as well as his own Tenneco Packaging Retirement Annuity. Wife's need for a residence for herself and her son is met by receiving a portion of the equity from the marital home when Husband refinances. Thus, each party possesses a retirement savings as well as the financial ability to maintain a residence. The Master's method of distribution is equitable and achieves economic justice between the parties. Husband's Exceptions are denied.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 16th day of January 2008, in consideration of Plaintiff's and Defendant's Exceptions to the Master's Report and Recommendation, IT IS ORDERED THAT:

(1) Plaintiff's Exceptions numbers 1, 2 and 5 are granted. Plaintiff's Exceptions numbers 3 and 4 are denied.

(2) Defendant's Exceptions are denied.

(3) The Master's Report and Recommendation is adopted subject to the Court's revisions as set out in the attached Opinion. The net result of said revisions is Wife will receive 50% of the marital estate and Husband will receive 50%. Distribution will be as follows:

#### **Husband**

<i>Assets:</i>	Marital Residence	\$175,000.00
	Jeep	\$ 15,725.00
	Tenneco Packaging Retirement Annuity	\$ 7,140.31
<i>Debts:</i>	1/2 Home Equity Loan	-\$ 21,689.69
	1/2 Value of Marital Residence	-\$ 87,500.00
<i>Credits:</i>	Pension from Wife	\$ 83,993.27
<i>Total:</i>		\$172,668.89

**Wife**

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<i>Assets:</i>	SERS Pension Plan	\$184,626.84
	Dodge Stratus	\$ 6,225.00
<i>Debts:</i>	Pension to Husband	-\$ 83,993.27
	1/2 Home Equity Loan	-\$ 21,689.69
<i>Credits:</i>	1/2 Value of Marital Residence	\$ 87,500.00
<i>Total:</i>		\$172,668.88

The credit Wife is to receive from Husband with regard to the value of the marital residence will reflect a deduction for her 1/2 share of the home equity loan. Thus, the total amount she is to receive is \$65,810.31 (\$87,500 - \$21,689.69) from Husband's refinancing of the marital residence. Husband's portion of Wife's pension is to be transferred by QDRO.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1105 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in the Borough of Bonneville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Ash Drive, a fifty (50) feet wide right-of-way, at corner of Lot No. 43 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Ash Drive, the following two (2) courses and distances: [1] North fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds East, twenty-two and ninety-two hundredths (22.92) feet to a point; and [2] by a curve to the left having a radius of two hundred twenty-five and zero hundredths (225.00), an arc distance of forty-eight and eighty-five hundredths (48.85) feet, and a long chord bearing and distance of North forty-five (45) degrees twenty-five (25) minutes twenty-five (25) seconds East, forty-eight and seventy-five hundredths (48.75) feet to a point at Lot No. 41 of Previously Approved Hickory Ridge Subdivision, Section 2; thence along Lot No. 41 and along Lot No. 77 on the subdivision plan hereinafter referred to, South fifty (50) degrees forty-seven (47) minutes thirty-one (31) seconds East, one hundred seven and eighty-one hundredths (107.81) feet to a point at Lot No. 47 on the subdivision plan hereinafter referred to; thence along Lot No. 47 and along Lot No. 46, South fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds West, ninety-four and sixty hundredths (94.60) feet to a point at corner of Lot No. 43, aforesaid; thence along Lot No. 43, North thirty-eight (38) degrees twenty-one (21) minutes twenty-three (23) seconds West, one hundred and zero hundredths (100.00) feet to a point on the right-of-way line of Ash Drive, the point and place of BEGINNING, CONTAINING 8,446 square feet, .1939 acres, and designated as Lot No. 42 on Final Subdivision Plan for Section Three of Hickory Ridge Development, prepared by Eric L. Dffenbaugh, P.L.S., dated August 26, 2004, last revised March 10, 2005, File No. 02038, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4021, page 178 (Plat Book 88, page 79).

TITLE TO SAID PREMISES IS VESTED IN Louis E. Bremer and Melissa A. Bremer, h/w, as tenants by the entireties, by Deed from H. Ridge LP., a Pennsylvania limited partnership and J.A. Myers Homes, LLC., a Pennsylvania Limited Liability Company, dated 03/10/2006, recorded 03/14/2006 in Book 4343, Page 074.

Tax Parcel: (06) 010-0037-000

Premises Being: 18 Ash Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Louis E. Bremer & Melissa A. Bremer** and to be sold by me.

James W. Muller-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 February 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/19, 24 & 1/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1223 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Hamiltonban Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Jacks Mountain Road at Lot No. 12; thence by said lot North 34 degrees 15 minutes 20 seconds West 250 feet to Lot No. 11; thence by said lot North 55 degrees 44 minutes 40 seconds East 100 feet to Lot No. 10; thence by said lot South 34 degrees 15 minutes 20 seconds East 250 feet to a point in the center of said Jacks Mountain Road; thence by said Jacks Mountain Road South 55 degrees 44 minutes 40 seconds West 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled Section H Charnita,

Inc., dated August 7, 1965, prepared by Gordon L. Brown. R.S. and recorded in Plat Book 1 at page 15.

HAVING erected thereon a dwelling known as 645 Jacks Mountain Road, Fairfield, PA 17320

PARCEL NO. (43) 012-0068

BEING the same premises which William R. Flook, Jr. and Tricia Flook, formerly known as Tricia Bowlus, by Deed dated 08/26/2006 and recorded 09/21/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4575, page 259, granted and conveyed unto William R. Flook, Jr. and Tricia Flook.

SEIZED and taken into execution as the property of **William R. Flook, Jr. & Tricia Bowlus** and to be sold by me.

James W. Muller-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 February 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/19, 24 & 1/2

## LEGAL NOTICE-ANNUAL MEETING

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 10th, 2009 to elect directors and to transact any other business properly presented.

Attest: Marilyn O. Butt  
President & Treasurer; Director

12/19, 24, 1/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1313 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved lot of ground situate on the East side of Fourth Street in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel rod on the East property line of Fourth Street at lands of Gettysburg Area School District, which steel rod is more particularly set forth on the subdivision plan hereinafter referred to; thence by lands of Gettysburg Area School District, South 68 degrees East, 125.48 feet to a steel rod; thence continuing by lands of Gettysburg Area School District, South 5 degrees 4 minutes 50 seconds West, 59.74 feet to a steel rod; thence by lands formerly of Clair F. Ditzler, now lands of John P. DeHaas and Patsy A. DeHaas, Lot No. 2, North 85 degrees 30 minutes 40 seconds West, 119.92 feet to a steel rod on the East property line of Fourth Street; thence along the East property line of Fourth Street, North 5 degrees East, 97.50 feet to a steel rod, the point and place of BEGINNING, CONTAINING 9,430 square feet.

1) Vested by Warranty Deed, dated 11/18/2004, given by The CIT Group Consumer Finance, Inc. to William Guilmain, Jr., married, their heirs and assigns and recorded 12/3/2004 in Book 3792 Page 244.

Tax Parcel: (16) 005-0003-000

Premises Being: 421 North Fourth Street, Gettysburg, PA 17325-1610

SEIZED and taken into execution as the property of **William Guilmain, Jr.** and to be sold by me.

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/24, 1/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1511 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Eastern edge of Legislative Route 01010, at corner of land now or formerly of David Taylor; thence in said Legislative Route 01010, South 33 degrees 00 minutes 00 seconds East, 171.16 feet to a railroad spike 4 feet from the Western edge of said Legislative Route 01010, at corner of land now or formerly of E.C. Anderson; thence by said land E.C. Anderson, and passing through a reference pipe set back 18.30 feet from the last mentioned point, South 49 degrees 50 minutes 10 seconds West, 106.00 feet to an existing iron pin; thence by same, South 38 degrees 55 minutes 50 seconds East, 171.48 feet to a pipe at corner of land now or formerly of Leroy Routsong; thence by said land of Leroy Routsong, South 49 degrees 29 minutes 30 seconds West, 819.26 feet to a pipe (said pipe being North 7.7 feet from an apple tree); thence by same, North 37 degrees 19 minutes 10 seconds West, 548.01 feet to a pipe at corner of stone row on line of land now or formerly of Janet Harder; thence by said land of Janet Harder and by land now or formerly of Frank Wageman, and passing through an iron pin at an existing stone pile on boundary line, set back 318.90 feet from the last mentioned point, North 52 degrees 34 minutes 30 seconds East, 745.91 feet to a pipe at corner of land now or formerly of David Taylor; thence by said land of David Taylor South 32 degrees 00 minutes 00 seconds East 149.00 feet to a pipe; thence by same, and passing through a reference pipe set back 30.85 feet from the next mentioned point, North 55 degrees 00 minutes 00 seconds East 200.00 feet to a point, the place of BEGINNING.

CONTAINING 10.028 acres.

Address: 444 Bendersville Winksville Rd., Aspers, PA 17304

Tax Map or Parcel ID No.: (29) E05-0046

SEIZED and taken into execution as the property of **Kelly Sue Slate** and to be sold by me.

James W. Muller-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 February 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/19, 24 & 1/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-N-630 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as Lot No. 416 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 in Miscellaneous Volume 4 at Page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

Being Premises: 416 Heritage Drive Gettysburg, PA 17325

Tax I.D. # (39) 004-0026

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me.

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/24, 1/2 & 9



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-360 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:  
Lot No. 120

BEGINNING at a point on the edge of a 50 foot right of way known as Cannon Lane at corner of Lot No. 119 as shown on the hereinafter referred to draft of survey; thence in and along Cannon Lane, South 11 degrees 12 minutes 51 seconds West, 45.00 feet to a point on the edge of a 50 foot wide right of way known as Cannon Lane at corner of Lot No. 121; thence along said Lot No. 121, and running through the center of a party wall in a five unit townhouse separating said Lot No. 121 and the lot hereby described, North 78 degrees 47 minutes 09 seconds West, 153.57 feet to a point on the edge of Alley No. 5 as more fully shown on the hereinafter referred to subdivision plan; thence along said Alley No. 5 on a curve to the right, the radius of which is 345.00 feet, having an arc distance of 45.13 feet, and a chord bearing and distance of North 07 degrees 22 minutes 22 seconds East, 45.13 feet to a point along Alley No. 5 at corner of Lot No. 119; thence along said Lot No. 119, South 78 degrees 47 minutes 09 seconds East, 156.59 feet to the point on the edge of a 50 foot right of way known as Cannon Lane at corner of Lot No. 119 as shown on the hereinafter referred to draft of survey, the point and place of BEGINNING, CONTAINING 6,956.6 square feet, or 0.1597 acre.

TITLE TO SAID PREMISES IS VESTED IN Steve Jack and Nahdia Jack, h/w, by Deed from Philip T. Gebhart, a single man and Steven A. Gebhart and Lisa A. Gebhart, his wife, dated 12/01/2005, recorded 12/05/2005, in Deed Book 4232, page 163.

Tax Parcel: (32) 012-0036

Premises Being: 53 Cannon Lane, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Steve Jack & Nahdia Jack** and to be sold by me.

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/24, 1/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-N-631 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of land situate in Mount Joy Township, Adams County, Pennsylvania, being more particularly described as Lot Number 315 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 Deed Book 4 at Page 233, and subject to all legal highways, easements, rights of way and restrictions of record.

Tax Parcel # (31) 004-0100-000

Premises Being: 315 Heritage Drive Gettysburg, PA 17325

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

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/24, 1/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1174 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Biglerville Borough, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the North curb line of East York Street; thence by land now or formerly of E. C. Fidler, North 30 degrees 30 minutes West, 190 feet to a point at land now or formerly of G. W. Koser; thence by the same, North 59 degrees 30 minutes East, 120 feet to a point; thence by land now or formerly of E. C. Fidler, South 30 degrees 30 minutes East, 190 feet to a point by said curb line, South 59 1/2 degrees West, 120 feet to the above-described place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Diane M. Fitzgerald, unmarried, by Deed from Edward M. Fitzgerald and Ruthie L. Fitzgerald, his wife, dated 09/28/2001, recorded 09/28/2001 in Book 2417, Page 137.

Tax Parcel: (05) 002-0004-000

Premises Being: 332 East York Street, Biglerville, PA 17307-9496

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

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

12/24, 1/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1081 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land in the Township of Mt. Joy, Adams County, Commonwealth of Pennsylvania, as more fully described in Deed Book 4622, Page 192, ID # H16-68B. Being known and designated as all that tract of land situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road T-428, known as Bowers Road, at corner of land now or formerly of Brenda Lee Dinapoli, designated as Lot No. 2 on the plan of lots referred to below; thence by said land of Brenda Lee Dinapoli, designated as Lot No. 2, North 69 degrees, 19 minutes, 44 seconds West, 209.40 feet to a point; thence by Lot No. 5 on the plan of lots referred to below, North 6 degrees, 56 minutes, 53 seconds East, 166.56 feet to a point; thence by other lands now or formerly of Brenda Lee Dinapoli, South 66 degrees, 12 minutes, 49 seconds East, 233.14 feet to a point in the center of Township Road T-428, South 14 degrees, 29 minutes, 59 seconds West, 150 feet to a point in the center of said road, the place of BEGINNING, CONTAINING 34,197 square feet.

The above description was taken in part from a plan of lots prepared by Donald E. Worley, RS., dated August 23, 1977, recorded in Plat Book 19 at Page 9, designated the above as Lot No. 3 and a portion of Lot No. 4.

Deed from the John Hart and Betty Hart Revocable Living Trust, by John Hart and Betty Hart, husband and wife, as Trustees of the John H as set forth in Deed Book 4622, Page 192 dated 10/20/2006 and recorded 10/30/2006, Adams County Records, Commonwealth of Pennsylvania.

BEING KNOWN AS: 54 Bowers Road (Mount Joy Township), Littlestown, PA 17340

PROPERTY ID NO.: (30) H 16-0068 B

TITLE TO SAID PREMISES IS VESTED IN Raymond E. Bosley and Karen L. Bosley, husband and wife by deed from the John Hart and Betty Hart Revocable Living Trust, by John Hart and Betty Hart, husband and wife, as trustees of the John Hart and Betty Hart Revocable dated 10/20/2006 recorded 10/30/2006 in Deed Book 4622 Page 192.

SEIZED and taken into execution as the property of **Raymond E. Bosley & Karen L. Bosley** and to be sold by me.

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

1/2, 9 & 16

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1087 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the center of public highway leading from Fairfield to Emmitsburg at land now or formerly of Wilbur F. Sites; thence in the center of said highway, South 42 degrees 55 minutes East, 81.4 feet to a railroad spike in the center of said highway; thence in the center of said highway, South 31 degrees 18 minutes East, 210.7 feet to a point in the center of said highway; thence by land now or formerly of Russell Hartman, South 36 degrees 14 minutes West, 76.4 feet to an iron pin; thence by land now or formerly of Lloyd Hartman, North 71 degrees 50 minutes West, 242.7 feet to an iron pin; thence by land now or formerly of Wilbur F. Sites, North 8 degrees 5 minutes East, 155 feet to an iron pin; thence by the same, North 52 degrees 32 minutes East, 110 feet to a railroad spike in the center of the aforementioned public highway, the place of BEGINNING, CONTAINING 1 Acres 20 perches.

TITLE TO SAID PREMISES IS VESTED IN Robert C. Humphrey, Jr. and Deborah A. Humphrey, h/w, by Deed from Robert C. Humphrey, Jr., dated 10/24/2001, recorded 11/07/2001, in Deed Book 2455, page 291.

Tax Parcel: (25) C16-0035A-000

Premises Being: 491 Tract Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Robert C. Humphrey, Jr. a/k/a Robert Humphrey & Deborah A. Humphrey a/k/a Deborah Humphrey a/k/a Deborah A. Rice a/k/a Deborah Ann Rice** and to be sold by me.

James W. Muller-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 February 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

1/2, 9 & 16

**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 KENNETH E. APPLER, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Kenneth E. Appler, Jr., 735 A Frederick Street, Hanover, PA 17331

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

**ESTATE OF LESTER L. COOL, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Administrator: Michael D. Cool, 263 Berwick Road, Abbottstown, PA 17301

Attorney: Amy E. W. Ehrhart, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF DONNA C. MASTERS, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Linda M. Rosenberry, c/o R. Thomas Murphy & Associates, PC, 114 West Third Street, Waynesboro, PA 17268

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, PC, 114 West Third Street, Waynesboro, PA 17268

**SECOND PUBLICATION****ESTATE OF ERMA M. AUMON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

David R. Klunk, 534 East King Street, Littlestown, PA 17340

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

**ESTATE OF JOHN HORNER, DEC'D**

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: William H. Horner, P.O. Box 166, Bendersville, PA 17306

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

**ESTATE OF PAUL E. MILLER, JR., DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Tammy E. Riley, 571 Oxford Road, Gardners, PA 17324

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

**ESTATE OF PATRICIA ANN WARFIELD, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Ellen M. Hartle, 1237 Pinch Valley, Westminster, MD 21158

**THIRD PUBLICATION****ESTATE OF FRANCIS X. EBERHART, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Joanne H. Eberhart, 365 Rupp Road, Gettysburg, PA 17325

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

**ESTATE OF CATHERINE I. ECK a/k/a CATHERINE MENGES ECK, DEC'D**

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrices: Teresa I. Martin, 144 Spook Lane, Gettysburg, PA 17325; Lisa M. Martin a/k/a Lisa M. Van Buren, 22 Highland Road, Spring Grove, PA 17362

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

**ESTATE OF RAYMOND W. SPEELMAN a/k/a RAYMOND WAYNE SPEELMAN, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Emmert Speelman, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

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

**ESTATE OF KATHRYN E. STONER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Gail M. White, 10366 Golf Course Road, Fayetteville, PA 17222

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of January, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land, North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at lands now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same, North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same, South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same, South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point; thence in same, South 25 degrees 06 minutes 30 seconds West, 2346.85 feet to a concrete nail, the place of BEGINNING. CONTAINING 2.1100 acres.

BEING the same premises which Ray C. Gee and Beatrice M. Gee, by Raymond W. Newman, Sheriff of Adams County, in the Commonwealth of Pennsylvania, by his deed dated May 28, 2002, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2675 at page 248, granted and conveyed unto Conseco Finance Servicing Corporation.

Parcel Identification No.: (29) F 05-0009D-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Lillian M. Armon, by Deed from Conseco Finance Consumer Discount Company, dated 10/22/2002, recorded 10/29/2002, in Deed Book 2854, page 83.

Premises Being: 40 Clines Church Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Lillian Loubler f/k/a Lillian M. Armon** and to be sold by me.

James W. Muller-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 February 20, 2009,

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

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IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 08-S-1138  
Action to Quiet Title

BEATRICE LEE FREALING a/k/a BEATRICE L. FREALING, Plaintiff

vs.

JOHN P. LEE, his respective heirs, executors, administrators, successors, and assigns and T. E. WILLIAMS, also known as T. Edward Williams, his heirs at law, Martha Banks, Mary Fawcett, Clara A. Washington, Isadora Johnson, Josephine Feimster, Martin Williams, Lois Ann Bowman, Mary Frances James, Patrick Williams, Richard Williams, Maria Williams, and Joan Jackson, their respective heirs, administrators, successors, and assigns, Defendants.

TO: John P. Lee, T.E. Williams, Martha Banks, Mary Fawcett, Clara A. Washington, Josephine Feimster, Martin Williams, and Joan Jackson, their respective heirs, administrators, successors, and assigns

Date of Notice: December 22, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF PUBLICATION OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325  
Telephone Number: (717) 337-9846

Richard E. Thrasher, Esquire  
Attorney ID #22904  
Attorney for Plaintiff  
220 Baltimore Street  
Gettysburg, PA 17325  
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