

Adams County **Legal Journal**

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IN THIS ISSUE

HAMILTON TWP. VS. HEIM ET AL

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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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 2012, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2010-SU-0001638
Property Address: 220 Zoo Road,
Fairfield, PA 17320
Parcel No.: 18-B16-0059
Municipality: Hamiltonban
Improvements: Residential Dwelling
Defendants: Jeremy Griffith and
Laura Novotny
Attorneys for Plaintiff: Jill P. Jenkins,
Esq., 215-627-1322

Writ of Execution No.:
2009-SU-0002019
Property Address: 14 Buford Drive, East
Berlin, PA 17316
Parcel No.: (37)-011-0040
Municipality: Reading
Improvements: Residential Dwelling
Defendants: Gerald F. Creager and
Vannaly K. Creager
Attorneys for Plaintiff: Paige M. Bellino,
Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000455
Property Address: 144 Springs Avenue,
Gettysburg, PA 17325
Parcel No.: (16)-006-0100
Municipality: Gettysburg
Improvements: Residential Dwelling
Defendants: Barbara Benton Meistrich
and Ira Jeffrey Meistrich
Attorneys for Plaintiff: Michael
McKeever, Esq., 215-627-1322

Writ of Execution No.:
2011-SU-0001262
Property Address: 1310 Peepytown
Road, Abbottstown, PA 17301
Parcel No.: 17-K09-00 13-000
Municipality: Hamilton
Improvements: Residential Dwelling
Defendants: Joady M. Wagaman,
Craig S. Wagaman
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0000853
Property Address: 1554-A Fairfield
Road, Gettysburg, PA 17325
Parcel No.: 09E13-0074A--001
Municipality: Cumberland
Improvements: A condominium is
constructed on the property.
Defendants: Jackie W. Wise and
Sue G. Wise
Attorneys for Plaintiff: Gary E. Hartman,
Esq., 717-334-3105

Writ of Execution No.:
2011-SU-0001269
Property Address: 10 Ashfield Drive,
Littletown, PA 17340
Parcel No.: 41-003-0020
Municipality: Union
Improvements: Residential Dwelling
Defendants: Tammi L. McGregor and
Matthew S. McGregor
Attorneys for Plaintiff: Thomas Puleo,
Esq., 215-627-1322

Writ of Execution No.:
2010-SU-0001143
Property Address: 232 Chambersburg
Street, Gettysburg, PA 17325-1120
Parcel No.: 16-007-0260A-000
Municipality: Gettysburg
Improvements: Residential Dwelling
Defendants: John D. Martone II,
Darlene M. Martone
Attorneys for Plaintiff: Joshua I.
Goldman, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001201
Property Address: 53 Stoops Road,
Gettysburg, PA 17325
Parcel No.: 20-D14-0092
Municipality: Highland
Improvements: Residential Dwelling
Defendants: Richard S. Harner
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2010-SU-0001849
Property Address: 39 Ski Run Trail,
Fairfield, PA 17320-8535
Parcel No.: 43006-0095
Municipality: Carroll Valley
Improvements: Residential Dwelling
Defendants: William D. Custer and
Patricia W. Custer
Attorneys for Plaintiff: Jenine R. Davey,
Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000369
Property Address: 92 Knisley Drive,
Hanover, PA 17331 and 22 Westview
Drive, McSherrystown, PA 17344
Parcel No.: 08-010-0060 and
28-002-0221
Municipality: Conewago and
McSherrystown
Improvements: Residential Dwellings -
Two (2) Parcels
Defendants: Radco Partnership
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2010-SU-0000429
Property Address: 24 and 26 Antler
Lane, East Berlin, PA 17316
Parcel No.: 2-77 and 2-77.001
Municipality: Reading
Improvements: Residential Dwelling
Defendants: Eric W. Wallen and
Deborah M. Wallen, by her attorney-
in-fact Eric W. Wallen
Attorneys for Plaintiff: Patrick Thomas
Woodman, Esq., 412-434-7955

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 thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) 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 Muller
Sheriff of Adams County
<http://www.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

HAMILTON TWP. VS. HEIM ET AL

1. Pennsylvania follows the “American Rule” which provides that parties to litigation are responsible for their own counsel fees unless otherwise provided by statutory authority, agreement of the parties, or some other recognized exception.

2. Current case law teaches that attorney fees are generally not collectible in equity actions.

3. The Municipalities Planning Code expressly authorizes a municipality to collect reasonable attorney fees incurred where a person is found liable in a civil enforcement proceeding commenced by the municipality to enforce compliance with a zoning ordinance.

4. The conclusion that a civil enforcement action for the collection of attorney fees related to an abatement litigation must initially be filed with a magisterial district judge is supported by appellate cases interpreting the statutory provisions at issue.

5. The enforcement language of the Municipalities Planning Code directs that a district justice’s role in an enforcement proceeding is not to make a *de novo* review of whether an ordinance violation occurred; rather, the district judge is to impose sanctions for failure to abate a violation.

6. The Municipalities Planning Code does not limit such legal fees to those incurred as a result of the action before a magisterial district judge, but includes all attorney fees incurred as a result of a violation.

7. Before the sanctions of 53 P.S. § 10617.2 and 53 P.S. § 10515.3 may be imposed, a three-step procedure must be followed: (1) an enforcement notice in compliance with law must be provided by the township to the property owner; (2) a conclusive determination of the enforcement notice must be obtained either through a failure to appeal to the zoning hearing board or through the appeal process from the enforcement notice; and (3) a civil enforcement action must be commenced with a magisterial district court.

8. The Municipalities Planning Code itemizes the requirements for a valid enforcement notice for a zoning violation. Included in those requirements are a specific cite to the applicable zoning provision allegedly violated, notice of the recipient’s right to appeal to the zoning hearing board within a prescribed time period, and the ramifications of failing to file such an appeal.

9. Statutory authority permitting an action for injunctive relief to be filed with the common pleas court does not divest the magisterial district courts of original jurisdiction over actions seeking the imposition of monetary penalties. Rather, the legislative scheme entitles a municipality to **either** initiate district justice action for sanctions or file a complaint in equity to enjoin the landowner from further violations.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 07-S-1026, HAMILTON TOWNSHIP VS. L.C. HEIM, EXECUTOR OF THE ESTATE OF FANNIE SALETA STEWART a/k/a F. SALETA STEWART, AND PINE RUN, INC.

Ronald T. Tomasko, Esq., for Plaintiff
Glenn C. Vaughn, Esq., for Defendants
George, J., September 1, 2011

OPINION

This litigation commenced on August 24, 2007 when Hamilton Township (“Township”) filed a Complaint in Equity against Fannie Saleta Stewart and Pine Run, Inc. (“Pine Run”).¹ The Complaint consists of 17 separate counts seeking injunctive relief against the Pine Run Mobile Home Park for numerous violations of the Township’s Zoning Ordinance,² the approved subdivision plan, the Pennsylvania Manufactured Housing Improvement Act, the Pennsylvania Construction Code Act,³ the International Building Code, and the Pennsylvania Department of Labor and Industry Regulations.⁴ The Complaint also seeks the imposition of penalties and fees in the amount of \$500 per day⁵ plus engineering fees, attorney fees, pre-and post-judgment interest, and costs.

On October 25, 2007, Pine Run filed an Answer with New Matter. The Township filed a Reply to New Matter on November 8, 2007. There was no further docket activity until November 30, 2010 when the Court provided the parties with a Notice of Dismissal pursuant to Pennsylvania Rule of Civil Procedure 230.2. On December 14, 2010, the Township filed a Statement of Intention to Proceed with the Court. On January 6, 2011, a Suggestion of Succession was filed indicating that Fannie Saleta Stewart had died on December 4, 2010 and that the caption be amended to reflect that L.C. Heim be substituted as a Defendant in his capacity as Executor of the Estate of Ms. Stewart. By Order dated March 21, 2011, the Court, *sua sponte*, scheduled a pre-trial conference. Thereafter, a flurry of activity occurred.

On May 16, 2011, Pine Run filed a Motion for Judgment of Non Pros claiming the ability to properly present its case was substantially diminished by the untimely death of Ms. Stewart and the Township’s lack of due diligence in actively pursuing the litigation in a timely fashion. On June 6, 2011, the Township countered with a Motion for Summary Judgment arguing the lack of factual dispute

¹ The Complaint alleges that Fannie Saleta Stewart is president, secretary, and treasurer of the corporate entity, Pine Run, Inc.

² Hamilton Township Code, Chapter 150.

³ 35 P.S. § 7210.101.

⁴ 34 Pa. Code § 403.61 et seq.

⁵ The Pennsylvania Municipalities Planning Code provides for a civil penalty of not more than \$500 per violation per day. 53 P.S. § 10515.3.

entitled it to partial summary judgment for the reimbursement of engineering fees, legal fees, and costs.⁶ On July 6, 2011, Pine Run filed a Motion for Partial Summary Judgment claiming that, due to the procedural posture of this matter, the Township was not entitled to the collection of legal fees as a matter of law.⁷ In light of this Court's resolution of the competing Motions for Summary Judgment, it is not necessary to address Pine Run's Motion for Judgment of Non Pros.⁸

In its Motion for Summary Judgment, the Township alleges it has incurred in excess of \$32,000 in attorney fees enforcing the Hamilton Township Code and various state laws. The Township argues that various admissions by Pine Run to actual violations, or to the factual foundation supporting a finding of actual violations, removes any issue of disputed fact as to the propriety of the Township's enforcement action. The Township further cites the Hamilton Township Code, Section 120-59, as authority for its proposition of entitlement to the collection of attorney fees.⁹ Pine Run argues, regardless of a lack of factual issue concerning the alleged violations, the law does not permit the imposition of attorney fees as a sanction where there has not been a prior finding of violation. Pine Run further claims the statutory provisions related to the imposition of legal fees against the property owner provide the initial jurisdiction for enforcement is

⁶ Pine Run Mobile Home Park was sold to a third party on April 15, 2010. The Township and the third party purchaser have been cooperating in the resolution of issues related to the Park's noncompliance which had not otherwise been resolved during Ms. Stewart's lifetime. As a result, the Township indicated during argument on its Motion for Partial Summary Judgment that it has abandoned its claims for injunctive relief and financial penalties authorized by 53 P.S. § 10515.3.

⁷ During argument on the Motion for Judgment of Non Pros, Pine Run conceded liability for engineering fees to the Township in the amount of \$4,278.81.

⁸ As mentioned, Pine Run has conceded its liability for engineering fees. Pine Run's Motion for Judgment of Non Pros does not preclude collection of these fees as I find Ms. Stewart's untimely death does not prejudice Pine Run's ability to defend itself against this limited claim. See *Jacobs v. Halloran*, 710 A.2d 1098, 1101 (Pa. 1998) (a Judgment of Non Pros is appropriate where there is a lack of due diligence in pursuing the litigation with reasonable promptitude, there is no compelling reason for the delay, and the delay has caused prejudice to the adverse party).

⁹ The language of Hamilton Township Code, Section 120-59, mirrors the language of 53 P.S. § 10515.3 (relating to enforcement remedies for violations of the provision of any subdivision or land development ordinance) and 53 P.S. § 10617.2 (enforcement remedies for zoning violations).

with the magisterial district court rather than the court of common pleas. Thus, it concludes that, procedurally, the Township is not entitled to legal fees as a matter of law.

The standard for the grant of summary judgment is well known. A court may only properly enter summary judgment “when there is no genuine issue of any material fact as to a necessary element of the cause of action or defense that could be established by additional discovery.” *Weaver v. Lancaster Newspapers, Inc.*, 926 A.2d 899, 902 (Pa. 2007), citing Pa. R.C.P. 1035.2(1). Thus, summary judgment may only be granted in those cases where the record clearly shows “the moving party is entitled to summary judgment as a matter of law.” *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648, 650 (Pa. Super. 1999) (citations omitted). “In considering the merits of a motion for summary judgment, a [trial] court views the record in the light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party.” *Fine v. Checcio*, 870 A.2d 850, 857 (Pa. 2005).

Pennsylvania follows the “American Rule,” which provides “that parties to litigation are responsible for their own counsel fees unless otherwise provided by statutory authority, agreement of the parties, or some other recognized exception.” *Mrozek v. Eiter*, 805 A.2d 535, 538 (Pa. Super. 2002) (citations omitted). Neither party to this litigation has identified any agreement between the parties nor has the Township cited any recognized exception permitting counsel fees. In fact, current case law teaches that attorney fees are generally not collectible in equity actions. See *Whitney v. Borough of Jersey Shore*, 109 A. 767, 770-71 (Pa. 1920); *Appeal from Auditors’ Report of Borough of Exeter*, 113 A.2d 349, 350-51 (Pa. Super. 1955). Thus, the Township’s right to recover attorney costs must be founded in statute.

Pennsylvania’s Judicial Code defines the parameters for statutory entitlement to attorney fees. See 42 Pa. C.S.A. § 2503. Although litigation involving land use or zoning matters is not specifically enumerated as a type of litigation wherein attorney fees are collectible, the Judicial Code provides a “catch-all” category authorizing the collection of counsel fees where other statutory authority exists. 42 Pa. C.S.A. § 2503(10). Township cites to the Municipalities Planning

Code, 53 P.S. § 10101 et seq., for that authority.¹⁰ 53 P.S. § 10617.2 expressly authorizes a municipality to collect reasonable attorney fees incurred where a person is found liable in a civil enforcement proceeding commenced by the municipality to enforce compliance with a zoning ordinance. An identical provision is found at 53 P.S. § 10515.3 for instances where a municipality is seeking to enforce provisions of a subdivision or land development ordinance. Pine Run does not contest the validity of these statutory provisions. Rather, it argues the statutory scheme within which the provisions are contained provides initial jurisdiction for an enforcement remedy under either 53 P.S. § 10617.2 or 53 P.S. § 10515.3 lies with a magisterial district judge. See 53 P.S. § 10617.1; 53 P.S. § 10515.2. Indeed, a literal reading of the cited sections supports Pine Run's position.

The Township's Complaint sounds in equity and seeks both injunctive relief and the imposition of monetary penalty including daily assessments, legal fees, and costs. The avenue chosen to seek this relief, however, improperly combines distinct and separate remedies permitted under the Municipalities Planning Code to the Township. For instance, 53 P.S. § 10617 expressly authorizes the Township to pursue an action with the court of common pleas to prevent, restrain, or correct a building, structure, or landscaping that is in violation of a zoning ordinance. That section, however, makes no provision for the imposition of monetary penalty or counsel fees against the property owner. Rather, as mentioned, the separate enforcement section permitting imposition of financial penalties vests initial jurisdiction in a magisterial district judge. 53 P.S. § 10617.2(b). It references the court of common pleas jurisdiction in the area as limited to considerations of whether to order a stay on the *per diem* fine pending a final adjudication.¹¹

The conclusion that a civil enforcement action for the collection of attorney fees related to an abatement litigation must initially be

¹⁰ As previously mentioned, the Township's Motion for Summary Judgment cites the Township Ordinance as authority for the collection of attorney fees. A diligent search has failed to develop any authority that a municipality may adopt an ordinance for the collection of counsel fees in areas where they otherwise lack statutory authorization to do so. Thus, although the Township references its own ordinance, the true authorization is the Municipalities Planning Code which provides the statutory framework from which the Township Ordinance is derived.

¹¹ See 53 P.S. § 10515.3(b) for a similar statutory authorization related to subdivision in land development.

filed with a magisterial district judge is supported by appellate cases interpreting the statutory provisions at issue. In *Johnston v. Upper Macungie Twp.*, 638 A.2d 408, 412 (Pa. Cmwlth. 1994), the Court determined that upon receipt of a zoning enforcement notice by a property owner, the proper procedure is to appeal the enforcement notice to the zoning hearing board pursuant to 53 P.S. § 10909.1. The *Johnston* Court further opined that a landowner's failure to appeal to the zoning hearing board conclusively establishes a violation. *Id.* at 412. The Court concluded the enforcement language of the Municipalities Planning Code directs that a district justice's role in an enforcement proceeding is not to make a *de novo* review of whether an ordinance violation occurred; rather, the district judge is to impose sanctions for failure to abate a violation. *Id.* In reaching this conclusion, the *Johnston* Court tacitly confirmed jurisdiction for such claims rests with the magisterial district courts.

In *Township of Maiden Creek v. Stutzman*, 642 A.2d 600 (Pa. Cmwlth. 1994), the Commonwealth Court confirmed that where a landowner fails to appeal a zoning officer's enforcement notice to a zoning hearing board, there is a conclusive determination of a violation and a basis for the imposition of sanctions under Section 10617.2. *Stutzman*, 642 A.2d at 602. Admonishing the trial court, the *Stutzman* Court reversed the assessment of fines and attorney fees imposed as part of an equity award with the following instruction:

This court also notes that the trial court granted costs and attorney fees to the township. That is a sanction that is permitted under section [53 P.S. § 10617.2], but not under section [53 P.S. § 10617]. Before a court may impose sanctions under section [53 P.S. § 10617.2], there must be a determination of liability in accordance with that section. Of course, the failure to appeal the notice results in such a determination, [citing *Johnston v. Upper Macungie Tp.*, 638 A.2d 408 (1994)]. However, the township must first present evidence of the alleged violation or proof of a landowner's failure to appeal *to the zoning hearing board to a district justice* under section [53 P.S. § 10617.1]. Although the trial court could properly grant injunctive relief under section [53 P.S. § 10617], it had no power to impose sanctions under section [53 P.S. § 10617.2].

Id. at 603 (emphasis in original). The following year, in *Township of Concord v. Concord Ranch, Inc.*, 664 A.2d 640, 646 (Pa. Cmwlth. 1995), the Commonwealth Court cited *Stutzman* with approval for the proposition that a conclusive determination of a zoning violation is necessary before a municipality may seek enforcement proceedings pursuant to 53 P.S. § 10617.2.

More recently, in *Borough of Bradford Woods v. Platts*, 799 A.2d 984 (Pa. Cmwlth. 2002), the Commonwealth Court determined the extent legal fees incurred by a municipality in enforcing its ordinances that may be recovered as costs in a civil enforcement action. The Court concluded that the Municipalities Planning Code does not limit such fees to those incurred as a result of the action before a magisterial district judge, but includes all attorney fees incurred as a result of a violation. *Platts*, 799 A.2d at 991. In doing so, the Court offered the following insight into violation enforcement procedures:

...[An] enforcement proceeding is initiated as soon as an enforcement notice is sent to the property owner. An appeal to the zoning hearing board regarding such a notice is part and parcel of the enforcement proceeding because a property owner may not be found liable **unless there is a conclusive determination of a violation, either through the appeal process or by a failure to appeal the notice.**

Id. (citations omitted) (emphasis added).

Collectively, these cases lead this Court to the conclusion that before the sanctions of 53 P.S. § 10617.2 and 53 P.S. § 10515.3 may be imposed, a three-step procedure must be followed: (1) an enforcement notice in compliance with law must be provided by the township to the property owner; (2) a conclusive determination of the enforcement notice must be obtained either through a failure to appeal to the zoning hearing board or through the appeal process from the enforcement notice; and (3) a civil enforcement action must be commenced with a magisterial district court.

A thorough review of the record indicates the Township neither provided appropriate enforcement notices nor commenced an action with a magisterial district judge before directly pursuing enforcement remedies under 53 P.S. § 10617.2 and 53 P.S. § 10515.3 with this Court. Although the record contains documents forwarded to

Pine Run titled “Notice of Stop Work Order” and “Violation Notice,” neither meet the requirements of a valid enforcement notice under current law. The Municipalities Planning Code itemizes the requirements for a valid enforcement notice for a zoning violation. 53 P.S. § 10616.1. Included in those requirements are a specific cite to the applicable zoning provision allegedly violated, notice of the recipient’s right to appeal to the zoning hearing board within a prescribed time period, and the ramifications of failing to file such an appeal. *Township of Lower Milford v. Britt*, 799 A.2d 965, 969 n.9 (Pa. Cmwlth. 2002). A review of the notices provided to Pine Run reveals they are insufficient for purposes of seeking enforcement remedies for zoning violations.

The “Notice of Stop Work Order” cites sections of the International Building Code and an alleged failure by the property owner to file an approved final subdivision plan as justification for requiring the outstanding issues to be rectified prior to resuming work in the development. The notice also warns that further legal actions may result. The “Violation Notice” alleges violation of the International Residential Building Code and cites various sections of that code; however, it does not cite any specific provisions of township code. The notice generally warns that failure to correct the violations within the allotted time period will result in the Township seeking appropriate legal proceedings. However, the notice fails to instruct the property owner on the right to appeal and the ramifications of not doing so.

Additionally, it is undisputed that enforcement proceedings were not initially commenced by the Township with the magisterial district court as required by statute. See 53 P.S. § 10617.1 and 53 P.S. § 10515.2. The magisterial district court unquestionably has jurisdiction when vested with the same by statute. 42 Pa. C.S.A. § 1515(7). Where exclusive original jurisdiction of an action is vested in another court by statute, the court of common pleas lacks jurisdiction. See generally 42 Pa. C.S.A. § 931(a). Moreover, statutory authority permitting an action for injunctive relief to be filed with the common pleas court does not divest the magisterial district courts of original jurisdiction over actions seeking the imposition of monetary penalties. Rather, the legislative scheme “entitles a municipality to **either** initiate district justice action for sanctions or file a complaint

in equity to enjoin the landowner from further violations...” *Woll v. Monaghan Twp.*, 948 A.2d 933, 937 (Pa. Cmwlth. 2008) (emphasis added) (citation omitted).

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 1st day of September 2011, Plaintiff’s Motion for Summary Judgment is granted in part and denied in part. Summary judgment is entered in favor of the Plaintiff and against the Defendants in the amount of \$4,278.81. In all other respects, Plaintiff’s Motion for Summary Judgment is denied.

On all remaining claims, Defendants’ Motion for Partial Summary Judgment is granted. Defendants’ Motion to Dismiss for Lack of Prosecution is rendered 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 2012, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0001354
Property Address: 190 Knoxlyn Road, Gettysburg, PA 17325-7413
Parcel No.: 09-E12-0054-00
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Ryan M. Black and Jessica L. Black
Attorneys for Plaintiff: Ashleigh L. Marin, Esq., 908-233-8500

Writ of Execution No.:
2011-S-1428
Property Address: 124 Cider Drive, York Springs, PA 17372
Parcel No.: 42-002-0068
Municipality: York Springs Borough
Improvements: Townhouse-Style Dwelling
Defendants: Wayne A. Staley, Linda A. Staley
Attorneys for Plaintiff: Ashleigh L. Marin, Esq., 908-233-8500

Writ of Execution No.:
2011-SU-0001364
Property Address: 15 Longhorn Lane, Fairfield, PA 17320
Parcel No.: 11-006-0100-28
Municipality: Fairfield
Improvements: Residential Dwelling House
Defendants: Terry J. Stambaugh
Attorneys for Plaintiff: Thomas A. Capehart, Esq., 610-820-5450

Writ of Execution No.:
2011-SU-0001417
Property Address: 129 Racetrack Road, Hanover, PA 17331
Parcel No.: 04-K11-0119
Municipality: Berwick
Improvements: Residential Dwelling
Defendants: Donald R. Collins, Sr. and Denise D. Collins
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2009-SU-0000401
Property Address: 75 Pebble Lane, Biglerville, PA 17307
Parcel No.: (29) C6-40D
Municipality: Menallen
Improvements: Residential Dwelling
Defendants: Amy Miller, Travis Stapleton
Attorneys for Plaintiff: David Fein, Esq., 215-627-1322

Writ of Execution No.:
2011-SU-0001676
Property Address: 6990 Old Harrisburg Road, York Springs, PA 17372
Parcel No.: I04-0109---000.01
Municipality: Huntingdon
Improvements: Residential Dwelling
Defendants: Malcolm E. Boone, Dona M. Boone
Attorneys for Plaintiff: John R. White, Esq., 717-334-9278

Writ of Execution No.:
2009-SU-0001905
Property Address: 575 Hooker Drive, Gettysburg, PA 17325-8951
Parcel No.: 32105-0064---000
Municipality: Mount Pleasant
Improvements: Residential Dwelling
Defendants: Charles G. Miller and Regina Miller
Attorneys for Plaintiff: Lauren R. Tabas, Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0000159
Property Address: 58 North Queen Street, Littlestown, PA 17340
Parcel No.: (27) 8-78
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: Herbert G. Dowling, Jr. and Norma H. Dowling
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0001594
Property Address: 72 McCandless Drive, East Berlin, PA 17316
Parcel No.: (23)-109-0060A
Municipality: Latimore
Improvements: Residential Dwelling
Defendants: Robert W. Gaylord and Jennifer L. Gaylord
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:
2005-SU-0000324
Property Address: 3380 and 3382 Chambersburg Road, Biglerville, PA 17307
Parcel No.: D10-0066---000, D10-0058---000
Municipality: Franklin
Improvements: Being improved with a garage and office with living quarters and an automated fuel tank system. Being improved with a single family residential dwelling.
Defendants: Robert K. Goetz, Jr.
Attorneys for Plaintiff: Wayne F. Shade, Esq., 717-243-0220

Writ of Execution No.:
2010-SU-0002012
Property Address: 121 West King Street, Littlestown, PA 17340
Parcel No.: (27)-008-0145
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: Richard L. Haines
Attorneys for Plaintiff: Paige M. Bellino, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000895
Property Address: 403 Arendtsville Road, Biglerville, PA 17307
Parcel No.: 7-E8-26
Municipality: Butler
Improvements: Residential Dwelling
Defendants: John D. Gageby and Mary Catharine Gageby
Attorneys for Plaintiff: William L. Hallam, Esq., 410-727-6600

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 thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) 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 Muller
Sheriff of Adams County
<http://www.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

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 2012, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2011-SU-0001360
Property Address: 2845 Old Carlisle Road, Gardners, PA 17324
Parcel No.: 01-40-G05-006
Municipality: Tyrone
Improvements: Residential Dwelling
Defendants: Karen Louise Hinkle
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001022
Property Address: 77 N. Pheasant Meadows, Lot #38, Abbottstown, PA 17301
Parcel No.: (17)-001-0008
Municipality: Hamilton
Improvements: Residential Dwelling
Defendants: Shane M. Stevens and Annette J. Jeffries
Attorneys for Plaintiff: Harry B. Reese, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000930
Property Address: 518 North Street, McSherrystown, PA 17344
Parcel No.: 28-05-149
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: Mark Wade and Donna J. Kuhn
Attorneys for Plaintiff: Amy Glass, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0001366
Property Address: 1113 Route 194 N., Abbottstown, PA 17301
Parcel No.: 17-L08-0100A-000
Municipality: Hamilton
Improvements: Residential Dwelling
Defendants: William A. Kurtz III, William Allen Kurtz, Tonya M. Kurtz, Tonya Michelle Kurtz
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001319
Property Address: 180 Kime Hatchery Rd., Gardners, PA 17324
Parcel No.: 40-G4-107A
Municipality: Tyrone
Improvements: Residential Dwelling
Defendants: April Lott, Michael Lott, United States of America
Attorneys for Plaintiff: Harry B. Reese, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0001160
Property Address: 627 North Street, McSherrystown, PA 17344-1505
Parcel No.: 28005-0110---000
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: Marc A. Miller and Julie M. Miller
Attorneys for Plaintiff: William E. Miller, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001588
Property Address: 56 Bragg Drive, East Berlin, PA 17316
Parcel No.: 36-114-0025
Municipality: Reading
Improvements: Erected a Dwelling House
Defendants: Corey L. May
Attorneys for Plaintiff: Leon P. Haller, Esq., 717-234-4178

Writ of Execution No.:
2011-SU-0000825
Property Address: 290 Gettysburg Road, Littlestown, PA 17340
Parcel No.: 15-117-0247-000
Municipality: Germany
Improvements: Residential Dwelling
Defendants: Laura L. Mullen and Lonnie G. Mullen
Attorneys for Plaintiff: Marc S. Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0001488
Property Address: 58 Stayman Way, Littlestown, PA 17340
Parcel No.: (27)-007-0188
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: William C. Palmer, Jr. and Patricia A. Stolzenbach Palmer, Patricia A. Palmer
Attorneys for Plaintiff: Paige M. Bellino, Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0001584
Property Address: 106 Water Street, East Berlin, PA 17316
Parcel No.: 10-004-0057
Municipality: East Berlin
Improvements: Erected a Dwelling House
Defendants: Jennifer L. Riley and Donald W. Riley, Jr.
Attorneys for Plaintiff: Leon P. Haller, Esq., 717-234-4178

Writ of Execution No.:
2011-SU-0001308
Property Address: 48 Skyline Court, Gettysburg, PA 17325
Parcel No.: 12-E13-0139
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Carl W. Schmick and Deborah L. Schmick
Attorneys for Plaintiff: Brett Solomon, Esq. and Michael C. Mazack, Esq., 412-566-1212

Writ of Execution No.:
2010-SU-0001641
Property Address: 145 Lynx Drive, Hanover, PA 17331
Parcel No.: (08)-007-0087
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Howard K. Seachrist, Jr., Denise D. Seachrist, Jeremy C. Shoemaker and Rebekah D. Shoemaker
Attorneys for Plaintiff: Christine L. Graham, Esq., 215-790-1010

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 thirty (30) days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within ten (10) 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 Muller
Sheriff of Adams County
<http://www.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

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 2012, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 111 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

Writ of Execution No.:
2010-SU-0001456
Property Address: 15 Shaffer Lane,
Fairfield, PA 17320
Parcel No.: 18-B14-0030A
Municipality: Hamiltonban
Improvements: Residential Dwelling
Defendants: James E. Shaffer and
Melissa K. Shaffer
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2009-SU-0000414
Property Address: 113 Mount Tabor
Road, Bendersville, PA 17306-0000
Parcel No.: 03001-0030---000
Municipality: Bendersville
Improvements: Residential Dwelling
Defendants: Michael J. Shank
Attorneys for Plaintiff: Lauren R. Tabas,
Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000036
Property Address: 35 Bushey School
Road, York Springs, PA 17372
Parcel No.: (23)-102-0053
Municipality: Latimore
Improvements: Residential Dwelling
Defendants: Joshua A. Smith
Attorneys for Plaintiff: Harry B. Reese,
Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000927
Property Address: Tracts of Land in
Biglerville Borough and Butler
Township, Biglerville, PA 17307
Parcel No.: 07-F07-0073, 07-F08-0017
Municipality: Biglerville and Butler
Improvements: Tracts of Land in
Biglerville Borough, Butler Township,
Adams County, PA
Defendants: R & C Developers, Richard
J. Snyder and Carole B. Snyder,
Limited Partner
Attorneys for Plaintiff: Donald R. Geiter,
Esq., 717-299-5201

Writ of Execution No.:
2010-SU-0001945
Property Address: 873 Old Route 30,
Cashtown, PA 17310
Parcel No.: 12C10-0150----000
Municipality: Franklin
Improvements: Residential Dwelling
Defendants: Philip L. Sowders
Attorneys for Plaintiff: Jenine R. Davey,
Esq., 215-563-7000

Writ of Execution No.:
2010-NO-0000325
Property Address: 71 N. Queen Street,
Littlestown, PA 17340
Parcel No.: 008-0090----000
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: John T. Wantz
Attorneys for Plaintiff: John R. White,
Esq., 717-334-9278

Writ of Execution No.:
2011-SU-0001633
Property Address: 1072 Old Route 30,
Ortanna, PA 17353
Parcel No.: 12-C10-0072
Municipality: Franklin
Improvements: Residential Dwelling
Defendants: Penny J. Weaver
Attorneys for Plaintiff: Amy Glass, Esq.,
856-669-5400

Writ of Execution No.:
2011-SU-0001448
Property Address: 220 South Street,
McSherrystown, PA 17344
Parcel No.: 28002-0183
Municipality: McSherrystown
Improvements: Erected Thereon a
Dwelling
Defendants: Martin David Wells, Jr. and
Jennifer L. Wells
Attorneys for Plaintiff: Louis P. Vitti,
Esq., 412-281-1725

Writ of Execution No.:
2010-SU-0001378
Property Address: 376 Maple Avenue,
Hanover, PA 17361
Parcel No.: 08-008-0088
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Justin P. Wendt,
Kimberly A. Becker
Attorneys for Plaintiff: Alan M. Minato,
Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0001459
Property Address: 54 Brickcrafter Road,
New Oxford, PA 17350
Parcel No.: 32-111-0068-000
Municipality: Mt. Pleasant
Improvements: Residential Dwelling
Defendants: Timothy F. Wildasin and
Joan M. Wildasin
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001210
Property Address: 230 Bear Mountain
Road, Aspers, PA 17304
Parcel No.: (29)-E06-0027
Municipality: Menallen
Improvements: Residential Dwelling
Defendants: Connie L. Asper, as
Executrix of the Estate of Hilda G.
Mickley, Deceased
Attorneys for Plaintiff: Gregory
Javardian, Esq., 215-942-9690

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James Muller
Sheriff of Adams County

<http://www.sheriffadamscounty.com/sheriffsales.html>

2/24, 3/2 & 9

FICTITIOUS NAME NOTICE

Be it noted that by March 1, 2012, Jennifer Eaton and Eric Dixon will incorporate a theatrical education and production organization with the Pennsylvania Department of State. The organization, to be registered by March 1, 2012 under the fictitious name UPSTAGE EDUCATIONAL THEATRE, will be organized under the provisions of the Pennsylvania Nonprofit Corporation Law.

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 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 RICHARD C. COLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Thomas D. Cole, 6134 Adams Street, Jupiter, FL 33458; James J. Cole, 1420 New Road, Orttanna, PA 17353

ESTATE OF ESTHER HESS a/k/a ESTHER A. HESS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF SAMUEL J. SHAFER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executors: Bradley N. Shafer, 1016 Belmont Road, Gettysburg, PA 17325; Carol A. Witthoff, 325 Celebration Hill Road, Biglerville, PA 17307

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

ESTATE OF SARA A. ST. PETER a/k/a SARA ANNE ST. PETER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Kimberley Phan, c/o Edward J. O'Donnell IV, Esq., 141 Broadway, Suite 310, Hanover, PA 17331

Attorney: Edward J. O'Donnell IV, Esq., 141 Broadway, Suite 310, Hanover, PA 17331

ESTATE OF MATTHEW E. TURLEY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Christina M. Turley, 206 M Street, Littlestown, PA 17340

Attorney: Brian C. Linsbach, Esq., Stone, Duncan & Linsbach, PC, P.O. Box 696, Dillsburg, PA 17019

SECOND PUBLICATION

ESTATE OF JOAN L BARE a/k/a JOAN AUGUSTA BARE a/k/a JOAN A. BARE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Barbara B. Carbaugh, 1705 Wyndham Drive, York, PA 17403; Joan B. McAnall, 6309 Hoff Road, Spring Grove, PA 17362

Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 635 North 12th Street, Suite 400, Lemoyne, PA 17043

ESTATE OF RICHARD E. BARNES, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

C. Corby Myers, 524 Hamlet Dr. W., Spring Grove, PA 17362

ESTATE OF ANNA C. BEVENOUR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Donald J. Bevenour, 594 Hammond Avenue, Hanover, PA 17331; Marie G. Barnes, 605 Prince Street, Littlestown, PA 17340

Attorney: Clifton R. Guise, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043

ESTATE OF R. ALBERT HARSTINE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Patricia Houston-Sellers, 1777 Fruit Cove Woods Drive, Fruit Cove, FL 32259

Attorney: Benjamin J. Glatfelter, Esq., Kennedy, PC Law Offices, P.O. Box 5100, Harrisburg, PA 17110

ESTATE OF TRAVIS A. LEHMAN, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Troy Lehman, 338 Georgetown Road, Gardners, PA 17324

Attorney: Bryan S. Neiderhiser, Esq., Marcus & Mack, P.C., 57 S. 6th Street, Indiana, PA 15701

ESTATE OF MABEL M. PARKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Cynthia A. Levanduski, 129 Route 526, Allentown, NJ 08501

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

ESTATE OF DAVID L. SULLIVAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Dale L. Sullivan and Nevin H. Sullivan, 10 Baer Avenue, Hanover, PA 17331

ESTATE OF ROBERT LEE VOLKMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executrices: Laura D. Maas and Paula L. O'Neill, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF MARY L. WARNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Marilyn R. Strayer, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

ESTATE OF RUTH H. WOLFGANG, DEC'D

All persons having claims or demands against the estate of Ruth H. Wolfgang, deceased, late of Oxford Township, Adams County, Pennsylvania, are requested to present the same without delay to Jennifer A. Leib, M&T Bank, 13 Baltimore Street, Hanover, Pennsylvania 17331. In addition, all persons having claims or demands against the Ruth H. Wolfgang Trust dated May 29, 1998, and further amended by Agreement dated June 2, 2005, are to present the same without delay to Jennifer A. Leib, M&T Bank, 13 Baltimore Street, Hanover, Pennsylvania 17331, Trustee.

Attorney: Jon C. Countess, Esq., CGA Law Firm, 135 North George Street, York, PA 17401

ESTATE OF EVELYN M. ZINNEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Annette L. Bixler, c/o Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

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

(continued on page 7)

THIRD PUBLICATION

ESTATE OF WILLIAM F. BUFFINGTON,
DEC'D

Late of Latimore Township, Adams
County, Pennsylvania

Administrator: Janet D. Buffington, 61
Burnside Drive, East Berlin, PA
17316

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

ESTATE OF RUTH MARIE CHRISMER
a/k/a RUTH M. CHRISMER, DEC'D

Late of the Borough of Bonneauville,
Adams County, Pennsylvania

Administrator: Walter J. Chrismer, 2
Sunset Drive, Gettysburg, PA 17325

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

ESTATE OF KATHLEEN JANE JAMES,
a/k/a KATHLEEN JOAN JAMES, DEC'D

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

Executrix: Dianna Zimmerman, 17 Main
Trail, Fairfield, PA 17320

ESTATE OF JACOB S. SMITH, DEC'D

Late of Straban Township, Adams
County, Pennsylvania

Administrator: Gregory Smith, 1288 B
Granite Station Road, Gettysburg,
PA 17325

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

ESTATE OF DORIS L. STORMES, DEC'D

Late of the Borough of McSherrystown,
Adams County, Pennsylvania

Executors: Michael Stormes, 175
North Second St., McSherrystown,
PA 17344; Constance Kuhn, 147
Sherry Dr., McSherrystown, PA
17344