

Adams County Legal Journal


Vol. 57

August 21, 2015

No. 15, pp. 34-40

IN THIS ISSUE

HAMILTON TOWNSHIP V. DAVID R. LEASE



Christy Settle
Trust Officer

Karen Arthur
Senior Trust Officer

Mark Bernier, CFA
Investment Officer

Debra Little, ChFC®
Trust Officer

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717.339.5218
dlittle@acnb.com

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 – 295 (54 Pa. C.S. 311), the undersigned entities announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately August 7, 2015, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed fictitious name of Tuesday Kennell Graphic Designer, with its principal place of business at 115 Redding Lane, Gettysburg, Pennsylvania. The names and addresses of persons owning said business are Tuesday Kennell of 115 Redding Lane and Wells Witherow Wesele Co. LLC of 741 Chapel Rd, both of Gettysburg Pennsylvania. The nature of the business is graphic design services.

J. Elliot Miller
President
Wells Witherow Wesele Co. Llc
741 Chapel Rd
Gettysburg, PA 17325
717.398.1540

8/21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a business that has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is Black Reed, Inc.

Christina M. Simpson, Esquire
28 East High Street
Gettysburg, PA 17325

8/21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
NO. 2015-

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on the 6th day of August, 2015, the Petition of Kevin Anthony Franceschini was filed in the above-named Court, praying for a Decree to change his name to Kevin Anthony Lenkner.

The Court has fixed the 30th day of September, 2015 at 2:00 p.m., in Court Room 6003, Sixth Floor, York County Judicial Center, 45 North George Street, York, PA, as the time and place for the Hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petitioners should not be granted.

CGA Law Firm
Leanne M. Miller, Esquire

8/21

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, September 3, 2015 8:30 am.

ASPERS FIRE COMPANY – Orphans' Court Action Number OC-62-2012. The First and Final Account of Todd A. King, Esq., Liquidating Receiver for the Aspers Fire Company, Aspers Volunteer EMS and Aspers Fireman Relief Association, of Adams County, Pennsylvania

LAMBERSON – Orphans' Court Action Number OC-85-2015. The First and Final Account of Richard Wartluft and Scott Gerrick, Co-Executors of the Estate of Carson Lamberson, Deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania

SMITH – Orphans' Court Action Number OC-86-2015. The First and Final Account of Manufacturers and Traders Trust Company, Executor of the Estate of Bernadine E. Smith, Deceased, late of Oxford Township, Adams County, Pennsylvania

JOHNSTON – Orphans' Court Action Number OC-91-2015. The First and Final Account of Walter W Moul, Administrator of the Estate of Elsie G. Johnston, Deceased, late of Franklin Township, Adams County, Pennsylvania

Kelly A. Lawver

8/21 & 8/28

DISSOLUTION NOTICE

At the meeting of the Board of Directors of Pommerian Early Music Guild (PEMG) on July 13, 2014; the following resolution was proposed and approved by the board:

Resolved: WHEREAS PEMG has fulfilled its mission and there are no persons able to continue as members of PEMG; PEMG is dissolved.

PEMG
45 Fairmount Road
Aspers, PA 17304

8/21

HAMILTON TOWNSHIP V. DAVID R. LEASE

1. Instantly, we have a consent order entered into as an agreement between the parties. It has the same effect as a final decree rendered after a full hearing on the merits. As such, it is considered a judicial act enforceable via the court's contempt power.

2. To sustain a finding of civil contempt, the complainant must prove certain distinct elements: 1) that the contemnor had notice of the specific order or decree which he is alleged to have disobeyed; 2) that the act constituting the contemnor's violation was volitional; and 3) that the contemnor acted with wrongful intent.

3. A mere showing of noncompliance with an order, or even misconduct, is never sufficient alone to prove civil contempt.

4. If the order is contradictory or the specific terms of the order have not been violated, there can be no contempt. Any ambiguity or omission in the order forming the basis for a civil contempt proceeding must be construed in favor of the defendant.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 2000-S-105, HAMILTON TOWNSHIP
V. DAVID R. LEASE

Ronald T. Tomasko, Esq., Attorney for Plaintiff

David R. Lease, Pro se

Kuhn, J., July 2, 2015

OPINION

Before the Court for disposition is a Petition For Contempt filed by Hamilton Township (hereinafter “the Township”) on August 4, 2014, against David R. Lease (hereinafter “Lease”). For reasons set forth herein the Petition is denied and dismissed.

The background of this matter is somewhat difficult to restate with precision because of missing documents.¹ However, Lease is the owner of real estate located at 160 Gun Club Road in Hamilton Township by virtue of a 1989 deed. Located on the property from front to back is a house, a trailer and a sawmill.

On February 14, 1990, the Township issued Permit No. 501 allowing Lease to construct a 30’ x 40’ garage and planing area addition to the sawmill. On February 11, 1993, the Township issued Permit 612 allowing Lease to construct a 27’ x 50’ addition to raise the roof on the shed and storage area of the sawmill. Subsequently, on April 13, 1995, the Township issued enforcement notices seeking revocation of the permits. On January 9, 1996, the Township Zoning Hearing Board issued its decision and revoked the permits.

Lease appealed to this court.² On June 27, 1997, this Court affirmed in part and reversed in part the Board’s conclusions. The Township then appealed to Commonwealth Court which issued its Opinion on May 28, 1998. One of the issues on appeal was whether there was sufficient evidence to support the Township’s claim that the area constructed per Permit No. 501 was being used for residential purposes. Because testimony was presented, which the Board found credible, that the second floor of the area included various indices of a residence³ the Commonwealth Court agreed with the Township that Lease violated Sections 617 and 901 of the Zoning Ordinance by

¹ Regarding the precise scope of what is subsequently referred to as Permit 501.

² Hamilton Township Zoning Board v. David R. Lease, Docket No. 1996-S-143.

³ Bedrooms, living room, kitchen with sink hookups, a bathroom with a tub, shower, sink and toilet hookup and washer and dryer hook ups.

allowing the structure to be used for residential purposes.

On February 8, 2000, Township filed a complaint seeking the revocation of Permit 501 and other relief. Included among the issues to be resolved was “1) what portion of the building was constructed as a result of the permit being issued, 2) has the [Township] properly identified the building at issue and, 3) is the [Township] entitled to an order directing [Lease] to raze the second floor ‘of the property in question’ and, if so, to what extent?”⁴ For various reasons, the parties continued trial for several years.

On March 14, 2006, the parties and the Court conducted a view of the property, after which the parties entered into an enforceable agreement.⁵ The agreement included the following provision:

1. With respect to the building at the rear of the property, Mr. Lease agrees that the second floor shall be used solely for storage purposes and not for residential living purposes. In exchange the township agrees to withdraw its request that the second floor be raised [sic]. In order to ensure compliance with this portion of the agreement, Mr. Lease shall provide unlimited access to the township no more than one time per month to the second floor of the building.

On August 4, 2014, the Township filed the instant Petition For Contempt alleging that the second floor of the rear building was being used for residential purposes in violation of the March 14, 2006 Order. At the instant hearing, credible evidence demonstrated that Dale Gettle, Township Building and Code Enforcement Officer, visited the rear building on three occasions in mid-2014. On May 14, 2014, he entered the second floor of the building and noted a sewage odor.⁶ The front apart-

⁴ See Order dated August 2, 2000.

⁵ See Order dated March 14, 2006.

⁶ He did not identify the source of the odor or locate any toilet facilities associated with the unit. However, he reported that Lease said the odor was caused by his occasional use of a bathroom in a front second floor apartment which appeared to be empty. Petitioner’s Ex. 3. The first floor in part of the building is tenant occupied.

ment units were empty but a room to the left and rear at the top of the stairs contained various items including a couch, blankets, clothing, cigarette pack, lighter, trash can with debris, a television, speakers and numerous CD movie containers.

Mr. Gettle returned to the building on June 9, 2014. At that time, Lease did not want him to look into the same room where the items were seen during the earlier visit. Photographs showed that the television was plugged into the wall socket.

Mr. Gettle returned again on August 20, 2014, and observed the various items in the unit on the second floor that were present three months earlier although some items were moved around. Additionally, a motorcycle helmet, backpack and a compound bow were hanging on hooks on the wall and two more couches were photographed.

During the course of the inspections, Lease reported the items in the unit to be his. Mr. Gettle acknowledged that he did not find anyone else in the unit nor mail or other personal identification. Interestingly, however, outside the door to the unit in question, Lease posted a sign trying to suggest that the area was not related to the above-captioned matter.

Instantly, we have a consent order entered into as an agreement between the parties. It has the same effect as a final decree rendered after a full hearing on the merits. *Cecil Township v. Klements*, 821 A.2d 670, 673 (Pa. Comwlth Ct. 2003). As such, it is considered a judicial act enforceable via the court's contempt power. *Id.* The purpose of civil contempt is to compel performance of lawful orders. *Id.* To sustain a finding of civil contempt, the complainant must prove certain distinct elements: 1) that the contemnor had notice of the specific order or decree which he is alleged to have disobeyed; 2) that the act constituting the contemnor's violation was volitional; and 3) that the contemnor acted with wrongful intent. *Habjan v. Habjan*, 73 A.3d 630, 637

(Pa. Super. 2013). Furthermore, the burden of proof rests with the complaining party to demonstrate, by a preponderance of the evidence, that the alleged contemnor is in non-compliance with the court order. *Id.* However, a mere showing of noncompliance with an order, or even misconduct, is never sufficient alone to prove civil contempt. *Id.* Good faith inability to comply is an affirmative defense which must be proved by the alleged contemnor. *Cecil Township v. Klements, supra.*, 821 A.2d at 675. If the order is contradictory or the specific terms of the order have not been violated, there can be no contempt. Any ambiguity or omission in the order forming the basis for a civil contempt proceeding must be construed in favor of the defendant. *Id.*

There is no suggestion that Lease did not have notice of the subject Order. However, he first contends that the evidence presented by the Township is irrelevant because it was focused upon a portion of the structure not covered by Permit 501. After due consideration, we reject that argument. The Order specifically restricted use of the second story of the “building” at the rear of the property. The term “building” was not further clarified. However, in such circumstances, words are to be construed according to their common and approved usage. 1 Pa. C.S.A. §1903. Courts normally reference dictionaries to ascertain that usage. Webster’s New Collegiate Dictionary defines “building” as a “roofed and walled structure built for permanent use” and “structure” as “something (as a building) that is constructed.”

Photographs and other evidence clearly show that there is a large structure at the rear of the property. Although the structure was possibly constructed piecemeal over a period of years, it is clearly interconnected so as to constitute one “building.” Regardless whether the 2000 Complaint was initially focused on the revocation of Permit 501 and the razing of the second floor “of the property in question” by the time litigation reached the resolution stage six years later the par-

ties did not limit the non-residential restriction to a portion of the building. Instead, they clearly agreed that the second floor of “the building at the rear of the property” would not be used for residential purposes.

Our Court has been dealing with this property and Lease’s use thereof for 15 years. During that time, it is obvious that Lease’s efforts to circumvent construction, zoning, occupancy and sewage regulations has exasperated the Township and caused both sides to incur substantial legal fees. However, the instant matter falls short of establishing that Lease violated the 2006 Order, as alleged.

The real focus of this proceeding is whether Lease has used the second floor room for “residential living purposes.” Again, seeking guidance from Webster’s, we find that “residential” means “used as a residence” and the “residence” refers to “the place where one actually lives as distinguished from his domicile or a place of temporary sojourn” or “the act or fact of living or regularly staying in a place for some time.” Thus, the term residential denotes the usage of the unit for living purposes over an extended period. Here, there may be an indication that Lease (or someone else) watched movies or napped in the room but little else suggests residential usage. There was no evidence of running water, a heating source, toilet facilities (except as referenced in footnote 6), kitchen facilities, tub or shower facilities or mail delivery that would lead one to conclude that the unit was used for residential living purposes.⁷

In this instance the Court finds a lack of credible evidence that Lease was in contempt of the March 14, 2006 Order by allowing the area in question to be used for “residential living purposes.” Accordingly, the attached Order is entered.

⁷ The Township reported that on August 20, 2014 Mr. Gettle and two other employees went to “Mr. Lease’s door” indicating that Lease actually resided in an approved unit on the property. Petitioner’s Ex. 4.

BY THE COURT:

JOHN D. KUHN

Judge

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 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

No. 13-SU-755**FEDERAL NATIONAL MORTGAGE ASSOCIATION**

vs

KATHLEEN M. ALBERTINI, MARK A. ALBERTINI

PROPERTY ADDRESS: 590
BOLLINGER ROAD, LITTLSTOWN, PA
17340

By Virtue of Writ of Execution No.

13-SU-755

Federal National Mortgage Association
vs

Mark A. Albertini and Kathleen M.
Albertini

All that certain piece or parcel or Tract
of land situate in Union Township,
Adams County, Pennsylvania, and
being known as:

590 Bollinger Road, Littlestown,
Pennsylvania 17340.

TAX MAP AND PARCEL NUMBER:
41J18-0029C

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$251,863.89

SEIZED AND TAKEN IN EXECUTION
AS THE PROPERTY OF: Mark A.

Albertini and Kathleen M. Albertini
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

No. 15-SU-142**PHH MORTGAGE CORPORATION**

vs

ANGELA M. BOWIE

PROPERTY ADDRESS: 2090
GOLDENVILLE ROAD, GETTYSBURG,
PA 17325

By virtue of a Writ of Execution No.

15-SU-142

PHH Mortgage Corporation
v.

Angela M. Bowie

owner(s) of property situate in the
FRANKLIN TOWNSHIP, ADAMS
County, Pennsylvania,
being

2090 Goldenville Road, Gettysburg, PA
17325-7441

Parcel No. 12E10-0040A--000

Improvements thereon: RESIDENTIAL
DWELLING

Judgment Amount: \$146,700.71

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

No. 15-SU-27**ACNB BANK, FORMERLY KNOWN AS
ADAMS COUNTY NATIONAL BANK**

vs

**ESTATE OF JOYCE M. HOCH,
WILLIAM SHOENBERGER,****EXECUTOR, FRANKLIN****SHOENBERGER, EXECUTOR**

PROPERTY ADDRESS: 343 PEACH
GLEN IDAVILLE ROAD, GARDNERS,
PA 17324

By virtue of Writ of Execution No. 2015-
SU-27

ACNB BANK, formerly known as
Adams County National Bank
vs.

ESTATE OF JOYCE M. HOCH

343 PEACH GLEN IDAVILLE ROAD

GARDNERS, PA 17324

HUNTINGTON TOWNSHIP

Parcel ID Number: 22-G03-0089---000

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$40,617.11

Attorneys for Plaintiff

Sharon E. Myers, Esquire

CGA Law Firm

135 North George Street

York, PA 17401

717-848-4900

No. 13-SU-648**WILMINGTON SAVINGS FUND
SOCIETY FSB**

vs

**PEGGY DARLENE FISHER, CYNTHIA
L. KLINGLER**

PROPERTY ADDRESS: 74 MAPLE
STREET, LITTLSTOWN, PA 17340

By virtue of Writ of Execution No.

13-SU-648

Wilmington Savings Fund Society, FSB,
Doing Business as Christiana Trust, Not
in its Individual Capacity but Solely as
Legal Title Trustee for Bronze Creek
Title Trust 2013-NPLI

vs.

PEGGY DARLENE FISHER

CYNTHIA L. KLINGER

74 Maple Street

Littlestown, PA 17340

Borough of Bonneauville

PARCEL NO.: 06-009-0100

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$279,768.78

ATTORNEYS FOR PLAINTIFF

POWERS, KIRN & ASSOCIATES, LLC

No. 12-SU-1387**SANTANDER BANK, N.A.**

vs

LINDA J. FISSEL

PROPERTY ADDRESS: 328 N.

BLETTNER AVENUE, HANOVER, PA
17331

BY Virtue of Writ of Execution No.

12-S-1387

SANTANDER BANK, N.A., f/k/a

Sovereign Bank, N.A., f/k/a Sovereign
Bank

vs.

LINDA J. FISSEL

328 N. Blettner Avenue

Hanover, PA 17331

Conewago Township

Parcel No. 08010-0021

IMPROVEMENTS THEREON:

Residential Dwelling House

JUDGMENT AMOUNT: \$130,664.02

Attorneys for Plaintiff:

Gross McGinley, LLP

Thomas A. Capehart, Esquire

No. 15-SU-287**LSF8 MASTER PARTICIPATION
TRUST**

vs

STEVEN D. FITEZ, VIVIAN A. FITEZ

PROPERTY ADDRESS: 12 MILE TRAIL,
FAIRFIELD, PA 17320

By virtue of a Writ of Execution No.

15-SU-287

Lsf8 Master Participation Trust
v.

Steven D. Fitez

Vivian A. Fitez

owner(s) of property situate in the

CARROLL VALLEY BOROUGH, ADAMS

County, Pennsylvania, being 12 Mile

Trail, Fairfield, PA 17320-8465

Parcel No. 43,041-0130

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$247,537.27

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

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

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

AS SOON AS THE PROPERTY IS
DECLARED SOLD TO THE HIGHEST
BIDDER 20% OF THE PURCHASE
PRICE OR ALL OF THE COST,
WHICHEVER MAY BE THE HIGHER,
SHALL BE PAID FORTHWITH TO THE
SHERIFF.

James W. Muller
Sheriff of Adams County
www.adamscounty.us

8/21 & 28 & 9/4

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 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

No. 15-SU-234

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE FOR JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF POPULAR ABS, INC. MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-B

vs

JOYCE L. HOWES

PROPERTY ADDRESS: 138 JACKSON ROAD, GETTYSBURG, PA 17325
By virtue of a Writ of Execution No. 15-S-234

The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee for JPMorgan Chase Bank, N.A., as Trustee for The Benefit of The Certificateholders of Popular Abs, Inc. Mortgage Pass-Through Certificates Series 2006-B

v.

Joyce L. Howes
owner(s) of property situate in MT. JOY TOWNSHIP, ADAMS County, Pennsylvania, being
138 Jackson Road, Gettysburg, PA 17325-8914
Parcel No. 30108-0024---000
Improvements thereon: RESIDENTIAL DWELLING
Judgment Amount: \$153,767.06
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

No. 15-SU-237

WELLS FARGO BANK, N.A.

vs

KURT M. HUTCHISON, KIMBERLY P. HUTCHISON

PROPERTY ADDRESS: 18 PIN OAK DRIVE, GETTYSBURG, PA 17325
By virtue of a Writ of Execution No. 15-S-237

Wells Fargo Bank, N.A.

v.

Kurt M. Hutchison
Kimberly P. Hutchison
owner(s) of property situate in BONNEAUVILLE BOROUGH, ADAMS County, Pennsylvania, being
18 Pin Oak Drive, Gettysburg, PA 17325-7805
Parcel No. 06,006-0043
Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$156,666.40
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

No. 14-SU-1251

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC3

vs

DARRELL J. LITTLE, SR., ELIZABETH A. LITTLE

PROPERTY ADDRESS: 44 LOCUST DRIVE, LITTLESTOWN, PA 17340
By virtue of a Writ of Execution No. 14-SU-1251

U.S. Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-Efc3

v.

Darrell J. Little a/k/a Darrell J. Little, Sr
Elizabeth A. Little
owner(s) of property situate in the GERMANY TOWNSHIP, ADAMS County, Pennsylvania, being

44 Locust Drive, Littlestown, PA 17340-9710

Parcel No. 15I17-0020A---000
Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$123,537.57

Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

No. 13-SU-406

PNC BANK NATIONAL ASSOCIATION

vs

MICHAEL S. MIDKIFF, TINA M. MIDKIFF

PROPERTY ADDRESS: 212 SOUTH QUEEN STREET, LITTLESTOWN, PA 17340

By Virtue of Writ of Execution No.

13-SU-406

PNC Bank, National Association, successor to Bank of Hanover and Trust Company

v.

Michael S. Midkiff and Tina M. Midkiff
212 South Queen Street, Littlestown, PA 17340
Littlestown Borough Adams County, Pennsylvania
Parcel No. (27)8-368
Improvements thereon of the commercial property
Judgment in the amount of \$833,266.30
James W. Hennessey, Esquire
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
Telephone: 215-575-7000, Facsimile: 215-575-7200

No. 15-SU-170

ACNB BANK, FORMERLY KNOWN AS ADAMS COUNTY NATIONAL BANK

vs

CHRISTOPHER J. POPOVICH, JENNIFER M. POPOVICH

PROPERTY ADDRESS: 128 RODES AVENUE, GETTYSBURG, PA 17325
By virtue of Writ of Execution No. 2015-SU-170

ACNB BANK, formerly known as Adams County National Bank

vs.

CHRISTOPHER J. POPOVICH and

JENNIFER M. POPOVICH

128 RODES AVENUE

GETTYSBURG, PA 17325

STRABAN TOWNSHIP

Parcel ID Number: 38-002-0074---000

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$173,851.00

Attorneys for Plaintiff

Sharon E. Myers, Esquire

CGA Law Firm

135 North George Street

York, PA 17401

717-848-4900

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

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

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

8/21 & 28 & 9/4

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 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

No. 14-SU-1065**JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION**

vs
JAMES A. PRYOR, IV, JENNIFER L. PRYOR
PROPERTY ADDRESS: 68
FRUITWOOD TRAIL, FAIRFIELD, PA
17320
By virtue of a Writ of Execution No.
14-SU-1065
JPMorgan Chase Bank, National
Association
v.
James A. Pryor, IV
Jennifer L. Pryor
owner(s) of property situate in the
CARROLL VALLEY BOROUGH, ADAMS
County, Pennsylvania, being
68 Fruitwood Trail, Fairfield, PA 17320-
8478
Parcel No. 43040-0035---000
(Acreage or street address)
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$215,523.69
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

No. 14-SU-1264**WELLS FARGO BANK, N.A.**

vs
DAVID G. REINTZELL, VALERIE M. REINTZELL
PROPERTY ADDRESS: 411
ORPHANAGE ROAD, LITTLESTOWN,
PA 17340
By virtue of a Writ of Execution No.
14-SU-1264
Wells Fargo Bank, N.A.
v.
David G. Reintzell
Valerie M. Reintzell
owner(s) of property situate in Mt. Joy
Township, ADAMS County,
Pennsylvania, being
411 Orphanage Road, Littlestown, PA
17340-9728
Parcel No. 30G17-0030
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$46,092.14
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

**HOWARD M. SAPERSTEIN PROFIT
SHARING PLAN**

vs
DEREK SAILORS, MAUREEN SAILORS
PROPERTY ADDRESS: 4 Trout Run
Trail, Fairfield, PA 17320
By Virtue of Writ of Execution No.
14-SU-798
Howard M. Saperstein Profit Sharing
Plan
v.
Derek Sailors and Maureen Sailors
4 Trout Run Trail, Fairfield, PA 17320
Carroll Valley Borough
Parcel ID No. 43006-0093---00
Improvements consist of a Residential
Dwelling
Judgment Amount: \$343,961.85
Matthew D. Menges
Attorney for Plaintiff
Sup Court ID 208.132
Trinity Law
145 East Market Street
York, PA 17401
MMenges@TrinityLaw.com
T: 717-843-8046
F: 717-854-4362

No. 15-SU-276**WELLS FARGO BANK, NATIONAL
ASSOCIATION, AS TRUSTEE UNDER
POOLING AND SERVICING
AGREEMENT**

vs
PETER J. SCHRIVER, VICKIE LYNN SCHRIVER
PROPERTY ADDRESS: 5 LATIMORE
ROAD, GARDNERS, PA 17324
BY VIRTUE OF WRIT OF EXECUTION
ADAMS COUNTY NO. 15-SU-276
Wells Fargo Bank, National Association,
as Trustee under Pooling And Servicing
Agreement
Dated as of October 1, 2006
Securitized Asset Backed Receivables
LLC Trust 2006-WM2
Mortgage Pass-Through Certificates,
Series 2006-WM2, by its servicer
Owen Loan Servicing, LLC
v.
Peter J. Schriver a/k/a Peter Schriver
Vickie L. Schriver a/k/a Vickie Schriver
JUDGMENT AMOUNT: \$164,618.66
PROPERTY ADDRESS: 5 Latimore
Road, Gardners, PA 17324
PARCEL ID NUMBER: 22H02-0039-000
ALL that tract of land lying and situate
in Huntington Township, Adams County,
Pennsylvania,
with improvements thereon consisting
of Residential Real Estate
Stern & Eisenberg, PC
1581 Main Street, Suite 200
Warrington, PA 18976
215-572-8111

**No. 11-SU-10
WELLS FARGO BANK NA**

vs
MICKEY J. SENTZ, CATHY ANN SENTZ
PROPERTY ADDRESS: 40 WEST KING
STREET, LITTLESTOWN, PA 17340
By virtue of a Writ of Execution No.
2011-SU-10
Wells Fargo Bank, N.A.
v.
Mickey J. Sentz
Cathy Ann Sentz a/k/a Cathy Ann Dell
owner(s) of property situate in
LITTLESTOWN BOROUGH, ADAMS
County, Pennsylvania,
being
40 West King Street, Littlestown, PA
17340-1404
Parcel No. 27,008-0243
Improvements thereon: RESIDENTIAL
DWELLING
Judgment Amount: \$172,249.84
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

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

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

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County
www.adamscounty.us

8/21 & 28 & 9/4

No. 14-SU-798

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 18th day of September 2015, at 10 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

No. 15-SU-315
SUSQUEHANNA BANK SUCCESSOR
IN INTEREST TO SUSQUEHANNA
BANK PA

vs
DOUGLAS M. SHUFFLER, LINDA J. SHUFFLER
 PROPERTY ADDRESS: 385 ROLLING LANE, ABBOTTSTOWN, PA 17301
 By virtue of Writ of Execution No. 2015-SU-315

Susquehanna Bank successor in interest to Susquehanna Bank PA
 vs.

Douglas M. Shuffler and Linda J. Shuffler
 385 Rolling Lane, Abbottstown, PA 17301
 located in Hamilton Township, Adams County
 Parcel No. 17-001-0042
 Improvements thereon a single family dwelling
 Judgment amount \$67,367.18,
 Kornfield and Benchoff, LLP

No. 14-SU-1308
CITIMORTGAGE, INC.

vs
NEAL LESLIE SMILEY, SR
 PROPERTY ADDRESS: 231 DRUMMER DR, NEW OXFORD, PA 17350
 By virtue of Writ of Execution No. 14-S-1308
 CITIMORTGAGE, INC.

vs.
 Neal L. Smiley, Sr.
 231 Drummer Drive
 New Oxford, PA 17350
 Oxford Township
 Parcel No.: 35-1-111
 Improvements thereon: Residential Dwelling
 Judgment amount: \$123,372.50
 MILSTEAD & ASSOCIATES, LLC
 BY: Robert W. Williams, Esquire
 ID No. 315501
 1 E. Stow Road
 Marlton, NJ 08053
 (856) 482-1400
 Attorney for Plaintiff

No. 13-SU-1586
WELLS FARGO FINANCIAL
PENNSYLVANIA, INC.

vs
BARRY M. SMITH
 PROPERTY ADDRESS: 24 SUSAN LANE, NEW OXFORD, PA 17350
 By Virtue of Writ of Execution Number 2013-SU-0001586
 WELLS FARGO FINANCIAL
 PENNSYLVANIA, INC
 VS
 BARRY M. SMITH
 24 Susan Lane, New Oxford, PA 17350
 Reading Township
 PARCEL No. 36-J08-0062-000
 Improvements consist of a Residential Dwelling
 Judgment Amount: \$204,686.44
 Zucker, Goldberg & Ackerman, LLC
 Roger Fay, Esq.
 200 Sheffield Street, Suite 101
 Mountainside, NJ 07092
 (908)233-8500

No. 14-SU-634
WELLS FARGO BANK, N.A.

vs
KATHY L. TRACEY, RALPH D. TRACEY
 PROPERTY ADDRESS: 2896 TRACT ROAD, FAIRFIELD, PA 17320
 By Virtue of Writ of Execution No. 14-SU-634
 Wells Fargo Bank NA
 vs
 Kathy L. Tracey and Ralph D. Tracey
 All that certain piece or parcel or Tract of land situate Liberty Township, Adams County, Pennsylvania, and being known as:
 2896 Tract Road, Fairfield, Pennsylvania 17320.
 TAX MAP AND PARCEL NUMBER: 25-D18-75
 THE IMPROVEMENTS THEREON ARE:
 Residential Dwelling
 REAL DEBT: \$403,511.27
 SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Kathy L. Tracey and Ralph D. Tracey
 McCabe, Weisberg and Conway, P.C.
 123 South Broad Street, Suite 1400
 Philadelphia, PA 19109

No. 13-SU-1185
FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA

vs
ROBERT TRAINUM, KATHLEEN TRAINUM
 PROPERTY ADDRESS: 265 TRACT ROAD, FAIRFIELD, PA 17320
 By virtue of Writ of Execution No. 2013-SU-1185
 Federal National Mortgage Association

("Fannie Mae"), a corporation organized and existing under the laws of the United States of America
 vs.

Robert Trainum
 Kathleen Trainum
 265 Tract Road
 Fairfield, Pa 17320-9177
 Hamiltonban Township
 PARCEL NO.: 18C16-0024A
 IMPROVEMENTS THEREON:
 RESIDENTIAL DWELLING
 JUDGMENT AMOUNT: \$249,836.23
 ATTORNEYS FOR PLAINTIFF
 POWERS, KIRN & ASSOCIATES, LLC

No. 15-SU-146
JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION

vs
BRANDON K. WEIBLEY, ANGELA M. WEIBLEY
 PROPERTY ADDRESS: 4 FIDDLER DRIVE, NEW OXFORD, PA 17350
 By virtue of Writ of Execution No.: 15-SU-146
 JPMorgan Chase Bank, National Association
 vs.
 Brandon K. Weibley
 Angela M. Weibley
 Property Address 4 Fiddler Drive, New Oxford, PA 17350
 Township or Borough: Oxford Township
 PARCEL NO.: 35001-0052-002
 IMPROVEMENTS THEREON: A
 RESIDENTIAL DWELLING
 JUDGMENT AMOUNT: \$128,160.61
 ATTORNEYS FOR PLAINTIFF
 Shapiro & DeNardo, LLC
 3600 Horizon Drive, Suite 150
 King of Prussia, PA 19406
 610-278-6800

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

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James W. Muller
 Sheriff of Adams County
 www.adamscounty.us

8/21 & 28 & 9/4

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF MICHAEL J. BEARD, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Tracy Martin, 1815 Mummasburg Road, Gettysburg, PA 17325

ESTATE OF DAVID EUGENE LITTLE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Christopher M. Little, 145 Pine Grove Road, Hanover, Pennsylvania 17331

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

ESTATE OF THERESA M. MILAZZO, A/K/A THERESA MARIE MILAZZO, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Joseph J. Milazzo, Jr., 155 Irish Drive, New Oxford, PA 17350

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

ESTATE OF MARGARET I. SANDERS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Co-Executors: Mr. Michael E. Sanders, 981 Kohler Mill Road, New Oxford, PA 17350; Mr. Daniel D. Sanders, 5705 York Road, New Oxford, PA 17350

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

ESTATE OF DORIS G. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administratrix: Doris P. Mehring, 161 Gettysburg Rd., Littlestown, PA 17340

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

ESTATE OF PAULINE J. TODT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executrices: Stephanie A. Baumgardner, 16 Paul St., Hanover, PA 17331; Melanie S. Todt, 532 Edgegrove Rd., Hanover, PA 17331

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

ESTATE OF MARY L. WERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Sharon F. Fissel

Attorney: Amy S. Eyster, O'Donnell & Barr Law Group, LLP, 11 Carlisle Street, Suite 301, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF DELORES M. KRESS, DEC'D**

Late of Mount Pleasant, Gettysburg, Adams County, Pennsylvania

Executors: Joanna M. Townsley, 275 Berwick Road, Abbottstown, PA 17301

Attorney: Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF ROGER J. MCDANNELL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Carole P. Eppley, a/k/a Carol Eppley, 500 Hunterstown-Hampton Road, New Oxford, PA 17350

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

ESTATE OF LUCY JOANNE SWAIM, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: David Michael Lee, 176 Pheasant Run Lane, Hanover, Pennsylvania 17331

THIRD PUBLICATION**ESTATE OF BRIAN JOSEPH BAMBERGER, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Executor: Matthew David McCabe, 1015 Oak Drive, Westminster, MD 21158

ESTATE OF STANLEY ALBERT BUPP A/K/A STANLEY A. BUPP, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor/Administrator: Roger A. Bupp and Tracy Wolf

Attorney: Vicky Ann Trimmer, Daley Zucker Meilton & Miner, LLC, 635 N. 12th Street, Suite 101, Lemoyne, PA 17043

ESTATE OF ELIZABETH R. LUCAS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John T. Lucas Jr., 3702 Garand Road, Ellicott City, Maryland 21042

ESTATE OF CARL J. STEFFEN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representatives: Joanne L. Cochran, c/o Donald L. Kornfield, Kornfield and Benchoff, LLP, 100 Walnut Street, Waynesboro, PA 17268

Attorney: Donald L. Kornfield, Kornfield and Benchoff, LLP, 100 Walnut Street, Waynesboro, PA 17268