

# Adams County Legal Journal

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

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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 Friday, August 18, 2017 at 8:30 am.

**LOVELAND**—Orphans' Court Action Number OC-123-2016. The First and Final Account of Christine A. Loveland, Successor Trustee of the Estate of Franklin O. Loveland III, Deceased, late of Adams County, Pennsylvania.

**ADKINS**—Orphans' Court Action Number OC-80-2017. The First and Final Account of ACNB Bank. Executor of the Estate of Lloyd E. Adkins, Deceased, late of McSherrystown, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

8/4 & 8/11

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CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that June 12, 2017, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change of name of Isabella Elizabeth Tribuiani to Isabella Elizabeth McMaster and Emma Rose Tribuiani to Emma Rose McMaster.

The Court has fixed the 18th day of August, 2017 at 10:00 am in Courtroom No. 4, Third Floor, Adams County Courthouse as time and place of the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Kim McMaster  
241 South Main Street  
Aspers, PA 17304  
717-253-0269

8/11

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 20, 2017 for TRIKE-A-TORI at 74 S. Main St., Apt. B, Biglerville, PA 17307. The name and address of each individual interested in the business is Donald Knotts, 74 S. Main St., Apt. B, Biglerville, PA 17307. This was filed in accordance with 54 PaC.S. 311.

8/11

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## SITES-BITTINGER, L.P. V. STRABAN TOWNSHIP

1. Failure to file an appeal within a statutorily mandated limitations period deprives a court of common pleas of subject matter jurisdiction to entertain the merits of the dispute.

2. The Declaratory Judgment Act is properly invoked when there is a challenge to the scope of a government body's action pursuant to statutory authority.

3. As the legislature clearly had the opportunity to include the provisions of Act 209 within the umbrella of land use ordinances as defined by the MPC and did not do so, this Court will not create a presumed intent over clear unambiguous language.

4. As the statutory scheme itself notes, the constitution trumps any statutory tethers on the time for a challenge, and a violation thereof cannot be per se precluded by statute. The void ab initio doctrine remains vibrant.

5. At this point in the litigation, the objection to this Court's subject matter jurisdiction will be denied. Rather, under the facts of this case, the Court will follow the line of cases which instructs nonwaivable issues concerning a court's subject matter jurisdiction are better addressed as affirmative defenses rather than through preliminary objections in the nature of a demurrer.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CIVIL 17-S-293, SITES-BITTINGER, L.P. V.  
STRABAN TOWNSHIP.

E. Lee Stinnett, Esq., Attorney for Plaintiff  
G. Bryan Salzmann, Esq., Attorney for Plaintiff  
Isaac P. Wakefield, Esq., Attorney for Plaintiff  
Rolf E. Kroll, Esq., Attorney for Defendant  
John S. Phillips, Esq., Attorney for Defendant  
George, J., July 20, 2017

### OPINION

Before the Court, are the Preliminary Objections of Straban Township (hereinafter “Township”) to the Complaint for Declaratory Relief filed by Sites-Bittinger, L.P. (hereinafter “Sites-Bittinger”). At the heart of both the Complaint and Preliminary Objections is the interpretation and application of Article V-A of the Municipalities Planning Code, 53 P.S. § 10501-A – 10508-A (relating to Municipal Capital Improvement (hereinafter “Act 209”)), as it relates to Straban Township Ordinance No. 2013-05 (imposing impact fees on new development).

Act 209 was adopted by the legislature for the express purpose of ensuring “that the cost of needed capital improvements be applied to new developments in a manner that will allocate equitably the cost

of those improvements among property owners and to respond to the increasing difficulty which municipalities are experiencing in developing revenue sources to fund new capital infrastructure...” 53 P.S. § 10501-A. In furtherance of that goal, Act 209 sets forth a specific and exclusive process by which a municipality may enact an ordinance to impose a fee against new development in order to generate revenue for funding the costs of transportation capital improvements necessitated by and attributable to new development (“impact fee”). Pursuant to this statutory authority, in 2006, the Township adopted Ordinance No. 2006-05 (2006 Ordinance) imposing impact fees on new development within the municipality.<sup>1</sup>

In May of 2013, the Township revised Ordinance No. 2006-05 by adopting Ordinance No. 2013-05 (2013 Ordinance). While much of the original 2006 plan remained intact, the 2013 revision accommodated cost increases and included additional infrastructure improvements resulting in an increase in the impact fee.

Sites-Bittinger is the owner of property located in the Township. As a result of development of the property, on December 3, 2015, Sites-Bittinger paid an impact fee of ninety-seven thousand six hundred thirty-two dollars (\$97,632). Sites-Bittinger has filed the current Complaint seeking declaratory relief against the Township. The Complaint asks this Court to declare the impact fee imposed in the 2013 ordinance as illegal in violation of Act 209 as it is not solely calculated based upon new improvement as required by the act, but rather improperly includes municipal expenses related to curing existing transportation infrastructure deficiencies. Sites-Bittinger also asks this Court to find the ordinances at issue invalid in violation of Act 209 for failure to properly identify a projected timetable for the completion of anticipated infrastructure construction for which the impact fees are generated as is statutorily required. In this regard, Sites-Bittinger suggests the ordinances establish phantom construction schedules which, in effect, allow the Township to maintain collected impact fees without ever undertaking the infrastructure construction, which the fees were intended to support. Sites-Bittinger

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

further asks the Court to declare both the 2006 and 2013 Ordinances void ab initio as they were adopted in violation of the specific procedures of Act 209. Finally, the Sites-Bittinger Complaint includes an additional count seeking unjust enrichment against the Township claiming the Township has collected the impact fee “without any apparent intent to actually commence the projects for which the fee was collected.” Under both counts of the Complaint, Sites-Bittinger seeks return of the impact fee, which was previously paid.

The Township filed Preliminary Objections to the Complaint arguing this Court lacks jurisdiction on the basis that Sites-Bittinger’s challenge to the ordinance is untimely and, additionally, that Sites-Bittinger has failed to exhaust the administrative remedies provided within Act 209. Township argues that a challenge to any ordinance adopted pursuant to Act 209 must be filed within 30 days of adoption of the ordinance noting nine years and almost four years have passed between adoption of the respective ordinances and the filing of Sites-Bittinger’s current Complaint. Township further points to provisions of Act 209 which Township interprets to require a written request to the municipality prior to the refund of any impact fee when such a refund is appropriate. Township argues this language in Act 209 provides the exclusive administrative remedy for obtaining a refund of impact fees and that Sites-Bittinger’s failure to exhaust this remedy precludes this Court from acting. In both Preliminary Objections, the Township seeks dismissal of the Complaint in its entirety.

The standard for evaluating preliminary objections in the nature of a demurrer is well-established. A court may only sustain preliminary objections when, based on the facts pleaded, it is clear and free from doubt that the complaint will be unable to prove facts legally sufficient to establish a right to relief. *Mazur v. Trinity Area School Dist.*, 961 A.2d 96, 101 (Pa. 2008). With this standard in mind, each of the Township’s Preliminary Objections will be reviewed seriatim.

Township’s first Preliminary Objection challenges Sites-Bittinger’s Complaint on the basis that this Court lacks jurisdiction due to the Complaint being untimely filed. Township cites the Complaint to establish the ordinance’s subject to challenge were adopted in 2006 and 2013, respectively. Township further notes the impact fee paid by Sites-Bittinger was paid in 2015. While conceding that Act 209 does not specifically define a limitations period

within which challenges to an impact fee ordinance must be raised, the Township argues that Section 11002-A of the Municipalities Planning Code (hereinafter “MPC”), 53 P.S. § 11002-A, is applicable. Since that section requires challenges to the validity of a land use ordinance to be filed within 30 days of adoption of the ordinance, Township argues this Court lacks subject matter jurisdiction.

Sites-Bittinger counters that the time period identified in the MPC does not preclude the current challenge as their action for declaratory judgment challenges the substantive, rather than procedural validity of the impact fee ordinance. Sites-Bittinger references language in the Declaratory Judgments Act, 42 Pa. C.S.A. § 7531 et seq, for the proposition that the court is vested with the power to determine the validity of a party’s substantive rights and other legal relations under a municipal ordinance. 42 Pa. C.S.A. § 7532. Sites-Bittinger further argues that since the ordinance was allegedly adopted in violation of statutory requirements, statutory limitation periods are inapplicable as the ordinance is void *ab initio*. Citing ***Glen-Gery Corp. v. Zoning Hearing Bd. of Dover Twp.***, 907 A.2d 1033 (Pa. 2006), Sites-Bittinger claims the Supreme Court has recognized such challenges to survive beyond the statutory limitation periods established by the legislature. Finally, Sites-Bittinger suggests that the claim for unjust enrichment is a separate and distinct cause of action which has been timely brought.

Jurisdiction over the subject matter of a controversy is conferred solely by the Constitution and the laws of the Commonwealth. ***Commonwealth v. Locust Twp.***, 968 A.2d 1263, 1268 (Pa. 2009). “The test for whether a court has subject matter jurisdiction inquires into the competency of the court to determine controversies of the general class to which the case presented for consideration belongs.” *Id.* Failure to file an appeal within a statutorily mandated limitations period deprives a court of common pleas of subject matter jurisdiction to entertain the merits of the dispute. ***Gomory v. Com., Dept. of Transp.***, 704 A.2d 202 (Pa. Commw. Ct. 1998), *appeal denied*, 727 A.2d 1123 (Pa. 1998).

The Declaratory Judgment Act, which is the genesis for this litigation, instructs that a court of record, within a respective jurisdiction, shall have the power to declare the rights, status, and other legal relations between the parties including legal relations affected by statute or municipal ordinance. See 42 Pa. C.S.A. § 7532 - § 7533.

The Declaratory Judgment Act is properly invoked when there is a challenge to the scope of a government body's action pursuant to statutory authority. *Ct. Com. Pl. of Lackawanna Cnty. v. Pa. Office of Records*, 2 A.3d 810, 812 n. 3 (Pa. Commw. Ct. 2010) (quoting *Blackwell v. State Ethics Comm'n*, 556 A.2d 988 (Pa. Commw. Ct. 1989)).

Similarly, there is no question that a court of common pleas has subject matter jurisdiction over a timely filed challenge to an impact fee ordinance. Act 209 expressly provides that challenges to ordinances promulgated under the act, including challenges to the validity and constitutionality of an impact fee ordinance, shall be filed with the court of common pleas. 53 P.S. § 10506-A.<sup>2</sup> The act is silent, however, as to when such an appeal must be filed. It is this void which Township seizes claiming the untimely filed Complaint deprives this Court of subject matter jurisdiction. In support of this argument, Township cites to the unpublished Commonwealth Court Opinion in *Metro Bank v. Bd. of Comm'rs.*, No. 1469 C.D. 2011, LEXIS 291 (Pa. Commw. Ct. 2012), for the proposition that the 30-day appeal period specified in the MPC applies to Act 209 challenges.<sup>3</sup>

Initially, it is noted that the Commonwealth Court's Opinion in *Metro Bank* adds little to this discussion. In that case, Bank was assessed a traffic impact fee which was paid on October 19, 2006. Approximately three years later in May of 2010, Bank conducted a new traffic impact study concerning traffic generated by the development. As a result of this study, Bank filed an application for a refund of the impact fee paid. The board conducted a public hearing on the request and ultimately denied the same. Bank's appeal to the trial court was denied as the trial court determined that the time limit of

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<sup>2</sup> The Act specifically instructs:

Any person required to pay an impact fee shall have the right to contest the land use assumptions, the development and implementation of the transportation capital improvement program, the imposition of impact fees, the periodic updating of the transportation capital improvement program, the refund of impact fees and all other matters relating to impact fees, including the constitutionality or validity of the impact fee ordinance by filing an appeal with the court of common pleas.

<sup>3</sup> An unreported opinion of the Commonwealth Court may be relied upon for its persuasive value however is not binding precedent. Internal operating procedures of the Commonwealth Court, Section 414.

Section 11002-A(a) of the MPC<sup>4</sup> applied to appeals from decisions rendered in matters originating under Act 209. As a result of this conclusion, the trial court dismissed the appeal as untimely. The Commonwealth Court affirmed the trial court’s decision albeit under different reasoning. The Commonwealth Court concluded that the trial court was without jurisdiction because the appeal to the trial court was from the letter scheduling public hearing, which letter was not an appealable decision under the MPC. In doing so, the Commonwealth Court specifically noted “The trial court erroneously determined that it was without jurisdiction over *Metro Bank’s* land use appeal because it was an untimely appeal from the imposition of the impact fee in 2006...” *Metro Bank v. Bd. of Comm’rs.*, No. 1469 C.D. 2011, LEXIS 29 (Pa. Commw. Ct. 2012). Thus, contrary to the Township’s interpretation, *Metro Bank* does not clearly support the proposition which they wish to advance and, in fact, may be contrary to the conclusion which Township currently seeks.

Although the issue of whether 53 P.S. § 11002-A(a) is applicable to appeals from Act 209 decisions is an interesting academic exercise, the same is not necessary for resolution of the issues before the Court as the current litigation is not an appeal from a land use *decision*, but rather is a challenge to the *legitimacy of an existing ordinance*. While it is true that in addition to establishing the time for appeals from land use decisions, 53 P.S. § 11002-A also includes language applying a 30-day limitation on challenges to the *validity of “land use ordinances,”* the legislature specifically limited the definition of what constitutes a “land use ordinance” to an exclusive

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<sup>4</sup> This section reads in pertinent part:

- a. All appeals from all land use decisions rendered pursuant to Article IX shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 Pa. C.S. § 5572 (relating to time of entry of order) or... within 30 days after the date upon which notice of said deemed decision is given as set forth in section 908(9) of this act. It is the express intent of the General Assembly that, except in cases in which an unconstitutional deprivation of due process would result from its application, the 30-day limitation in this section should be applied in all appeals from decisions.



list, which does not include ordinances adopted under Act 209.<sup>5</sup> As the legislature clearly had the opportunity to include the provisions of Act 209 within the umbrella of “land use ordinances” as defined by the MPC and did not do so, this Court will not create a presumed intent over clear unambiguous language. See 1 Pa. C.S.A. § 1921(b) (the letter of words of a statute which are clear and free of ambiguity should not be disregarded under the pretext of pursuing its spirit).<sup>6</sup>

Since the MPC does not offer controlling guidance on the limitations period applicable to Act 209 litigation, consideration of other statutory authority is necessary to fully address Township’s first Preliminary Objection. More specifically, Section 5571.1 of the Judicial Code, 42 Pa. C.S.A. § 5571.1, provides:

- a. Applicability; court of common pleas. --
  - (1) This section shall apply to any appeal raising questions relating to an alleged defect in the process of or procedure for enactment or adoption of any ordinance, resolution, map, or similar action of a political subdivision.
  - (2) An appeal pursuant to this section shall be to the court of common pleas.
- b. Appeals of defects in statutory procedure. --
  - (1) Any appeal raising questions relating to an alleged defect in statutory procedure shall be brought within 30 days of the intended effective date of the ordinance.
  - (2) Except as provided in subsection (3), it is the express intent of the General Assembly that this 30-day limitation shall apply regardless of the ultimate validity of the challenged ordinance.

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<sup>5</sup> 53 P.S. § 107 defines “land use ordinance” as “any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII.” Act 209 is identified by the legislature as Article V-A.

<sup>6</sup> When interpreting a statute, this Court is guided by the Statutory Construction Act of 1972, 1 Pa. C.S. § 1501-1991. That act states “[t]he object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly.” 1 Pa. C.S. § 1921(a). “The clearest indication of legislative intent is generally the plain language of a statute.” *Walker v. Eleby*, 842 A.2d 389, 400 (Pa. 2004).

- c. Exemption from limitation. -- An appeal shall be exempt from the time limitation in subsection (b) if the party bringing the appeal establishes that, because of the particular nature of the alleged defect in statutory procedure, the application of the time limitation under subsection (b) would result in an impermissible deprivation of constitutional rights.

42 Pa. C.S.A. § 5571.1. This statutory language has relevance to the current issue as it establishes a 30-day appeal period from the adoption of a municipal ordinance for procedural challenges to the ordinance unless constitutional rights are implicated. Nevertheless, a careful reading of this legislative direction in the context of applicable case law reveals it does not preclude this litigation from moving forward.

Initially, the section, by its own clear language, is limited to procedural challenges to the adoption of a municipal ordinance. Currently, two of the claims in the Complaint, relating to the impact fee, including consideration of improper costs and the ordinance's failure to include requirements of Act 209 concerning construction date, arguably involve substantive challenges to the ordinances. As such, the statutory time limitation of Section 5571.1 is inapplicable to these challenges.

Although it is true, the remaining claims in the Complaint raise issues relating to alleged defects during the enactment process of the ordinances at issue, the Complaint alleges these defects raise to the level of constitutional deprivation of rights; a specific exception to the statutory limitation. Very recently, the Pennsylvania Supreme Court, in *Messina v. East Penn Twp.*, 62 A.3d 363 (Pa. 2012), defined the import of the statutory language of Section 5571.1 as follows:

.... [W]here a challenge [to a defect in the adoption of the ordinance] is made within 30 days, nothing less than strict compliance with the procedural requirements of the MPC will allow the ordinance to stand. After 30 days, substantial compliance with the procedural requirements will allow the ordinance to stand. As time passes, the natural and unavoidable reliance of the public and the

municipality on the validity of the ordinance causes the presumption of validity to wax as the rationale for undoing the ordinance wanes. However, as the statutory scheme itself notes, the constitution trumps any statutory tethers on the time for a challenge, and a violation thereof cannot be per se precluded by statute. The void ab initio doctrine remains vibrant. ...

*Id.* at 372 (italics in original).

It is important to keep in mind the issue of whether this Court lacks subject matter jurisdiction over the procedural challenges to the subject ordinances comes before the Court in the context of preliminary objections. As previously indicated, in evaluating the legal sufficiency of the challenged pleading, the court must accept as true all well-pled, material, and relevant facts alleged in every inference that is fairly deducible therefrom. *Mazur v. Trinity Area School Dist.*, 961 A.2d 96, 101 (Pa. 2008). At this point in the litigation, the objection to this Court's subject matter jurisdiction will be denied. Rather, under the facts of this case, the Court will follow the line of cases, which instructs nonwaivable issues concerning a court's subject matter jurisdiction are better addressed as affirmative defenses rather than through preliminary objections in the nature of a demurrer. *Devine v. Hutt*, 863 A.2d 1160 (Pa. Super. 2004); *Farinacci v. Beaver County Indus. Dev. Auth.*, 511 A.2d 757 (Pa. 1986); *Reuben v. O'Brien*, 445 A.2d 801 (Pa. Super. 1982).

Instantly, under *Messina*, the statute of limitations defense is waivable if one is deprived of constitutional rights. Since Sites-Bittinger has pled constitutional deprivation, factual development is necessary to determine whether indeed the statutory limitation defense has been waived by alleged deficiencies in the enactment of the ordinance by the Township. Accordingly, Township's first Preliminary Objection will be denied.

In their second Preliminary Objection, Township asks the Court to dismiss the Complaint on the basis that administrative remedies have not been exhausted. Township cites the following language from Act 209 to support their argument:

If the municipality fails to commence construction of any transportation service area road improvements within three years of the scheduled construction date set forth in

the transportation capital improvements plan, any person who paid any impact fees pursuant to that transportation capital improvements plan shall, upon written request to the municipality, receive a refund of that portion of the fee attributable to the contribution for the uncommenced road improvement, plus the interest accumulated thereon from the date of payment.

53 P.S. § 10505-A(g)(2). Township argues the ultimate goal of the Complaint is to obtain a refund of previously paid impact fees which triggers application of the above cited language. Township claims that since Sites-Bittinger has not pled the existence of a previous written request for refund to the Township, their Complaint cannot proceed, as this administrative remedy has not been exhausted.

Initially, while it is true Sites-Bittinger is requesting damages against the Township including refund of previously paid impact fees, a fair reading of the Complaint reveals the theory of recovery is much more complex than simply seeking a refund pursuant to Act 209 provisions. For that reason alone, application of the subsection cited by the Township is misguided.

Moreover, a fair reading of the cited language reveals that it is not intended as a condition precedent to pursuing litigation, but rather is a legislative directive defining the duties of a municipality. More simply put, the clear language does not impose a requirement of a written request by a developer before a refund of the impact fee may occur, but rather directs the municipality shall refund the impact fee under certain conditions if such a request is made. This conclusion is addressed by a later section of Act 209, which expressly grants a person the right to seek a refund of impact fees, and challenge other matters relating to impact fees, by filing an action with the court of common pleas. 53 P.S. § 10506-A(a). Since the clear language of Act 209 does not impose a prior written request for impact fee refund as a condition precedent to litigation, or as an exclusive remedy for relief under the act, the Township's Preliminary Objection on this basis will be dismissed.

For the foregoing reasons, the attached Order is entered.<sup>7</sup>

ORDER

AND NOW, this 20th day of July, 2017, the Preliminary Objections of Straban Township are dismissed. Straban Township is directed to file an Answer to the Complaint within twenty (20) days of the date of this Order, or suffer judgment of non pros upon praecipe from the Plaintiff.

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<sup>7</sup> In dismissing the Preliminary Objections, the Court is mindful that the Complaint contains a count for unjust enrichment. Since the Township has not developed any argument challenging the unjust enrichment count separately, nor has advanced meaningful discussion of the same in their Brief, neither will the Court devote separate discussion to potential issues involving the unjust enrichment count. To the extent a challenge to Count II has not been waived, the Court relies upon the reasoning herein above to dismiss the Preliminary Objections to this count as Township otherwise raises no separate and distinct challenge.



**ESTATE NOTICES**

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

**FIRST PUBLICATION****ESTATE OF GERALDINE E. DEARDORFF, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Richard S. Deardorff, 165 J Church Road, Orttanna, PA 17353

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

**ESTATE OF MARY E. LERCH, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Jody N. Lerch, 2894 Centennial Rd., Hanover, PA 17331

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

**ESTATE OF BETTY L. LOBA, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: James R. Loba, 13150 Ada Lane, Nokesville, VA 20181

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

**ESTATE OF KAREN T. MITCHELL a/k/a KAREN TULLAR MITCHELL, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Robert A. Barnhart, 7718 Altland Avenue, Abbottstown, Pennsylvania 17301.

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

**ESTATE OF MARTIN J. ONTKO, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Administrators: Chadwick A. Ontko, 48 Crestview Dr., East Berlin, PA 17316; Brittany L. Moul, 36 Hoffman Rd., East Berlin, PA 17316

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

**ESTATE OF HARRY LEE PRITCHARD, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Jessica L. Ickes, 1310 Sandhill Road, Lebanon, PA 17046

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF ANNETTE M. STORMS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Diane Groft, c/o Craig A. Diehl, Esq., CPA, Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362

Attorney: Craig A. Diehl, Esq., CPA, Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362

**ESTATE OF PATRICIA J. WILL, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Executors: Richard F. Will, Jr., 2048 Baltimore Blvd., Finksburg, MD 21048; Stephanie N. Stephens, 2048 Baltimore Blvd., Finksburg, MD 21048; Andrew S. Will, 1434 Frederick Pike, Littlestown, PA 17340

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

**SECOND PUBLICATION****ESTATE OF MILDRED G. GUISE a/k/a MILDRED GERALDINE GUISE, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Administrators: Miriam M. Crouse, 121 Centre Mills Road, Aspers, PA 17304; Lance D. Crouse, 269 Chestnut Hill Road, Aspers, PA 17304

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

**ESTATE OF LINDA S. MYERS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Steven B. Myers, 300 Fulton Street, Hanover, PA 17331

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

**THIRD PUBLICATION****ESTATE OF JEFFREY LYNN FRONHEISER, DEC'D**

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Monica Fronheiser

Attorney: William J. Luttrell, III, Esq., 11 S. Olive Street, 4th Fl., Media, PA 19063

**ESTATE OF MILDRED J. HAHN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executors: James F. Hahn, 27 Ocelot Drive, Hanover, PA 17331; Jeffrey A. Hahn, 5342 Pigeon Hill Road, Spring Grove, PA 17362

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

**ESTATE OF JOAN E. MINSINGER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executor: John J. Minsinger, c/o Stonesifer and Kelley a division of Barley Snyder, 14 Center Square, Hanover, Pennsylvania 17331

Attorney: Stonesifer and Kelley a division of Barley Snyder, 14 Center Square, Hanover, Pennsylvania 17331

**ESTATE OF REBECCA H. SIMPSON, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: David E. Simpson; Christina M. Simpson, c/o Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

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

**ESTATE OF WILLIAM B. WILSON, DEC'D**

Late of Biglerville, Menallen Township, Adams County, Pennsylvania

Executrix: Lucinda Wilson, P.O. Box 1113, Lily Dale, NY 14752

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

