

Adams County **Legal Journal**

Vol. 53

May 4, 2012

No. 51, pp. 363-372

IN THIS ISSUE

MASON ET AL

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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 ST RM 305 GETTYSBURG PA 17325-2313. Telephone: (717) 334-1553

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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 18th day of May 2012, at 10 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-0001140
Property Address: 226 Flatbush Road,
Littlestown, PA 17340-9633
Parcel No.: 32115-0058A--00
Municipality: Mount Pleasant
Improvements: Residential Dwelling
Defendants: Christina M. Libby and
Jeffrey W. Libby
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2009-SU-0000952
Property Address: 9 Summer Drive,
Gettysburg, PA 17325-7743
Parcel No.: 06008-0065---000
Municipality: Bonneauville
Improvements: Residential Dwelling
Defendants: Nathan E. Long, Kristy A.
Long
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001386
Property Address: 3720 Carlisle Road,
Gardners, PA 17324
Parcel No.: 22-G03-0042
Municipality: Huntington
Improvements: Residential Dwelling
Defendants: Susie M. Brown, Randall
K. Conner, Jennifer S. Conner
Attorneys for Plaintiff: Jill P. Jenkins,
Esq., 215-627-1322

Writ of Execution No.:
2011-SU-0001511
Property Address: 1076 Bollinger Road,
Littlestown, PA 17340-9147
Parcel No.: K-17, Parcel 36-F
Municipality: Union
Improvements: Residential Dwelling
Defendants: Keith A. Crammer
Attorneys for Plaintiff: Terrence J.
McCabe, Esq., 215-790-1010

Writ of Execution No.:
2012-SU-0000019
Property Address: 107 East King Street,
East Berlin, PA 17316
Parcel No.: 10-004-0220
Municipality: East Berlin
Improvements: Residential Dwelling
Defendants: Jay R. King, Judy A. King
Attorneys for Plaintiff: Keith Mooney,
Esq., 717-299-5201

Writ of Execution No.:
2010-SU-0001291
Property Address: 976 Morgan Drive,
Gettysburg, PA 17325
Parcel No.: 30-111-20
Municipality: Mount Joy
Improvements: Residential Dwelling
Defendants: James J. Rostad
Attorneys for Plaintiff: Amy Glass, Esq.,
856-669-5400

Writ of Execution No.:
2011-SU-0001980
Property Address: 573 Ridge Road,
Gettysburg, PA 17325
Parcel No.: 09-F16-0097C
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Rodney M. Havens,
Tina M. Havens
Attorneys for Plaintiff: Kasia Fialkoff,
Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0002061
Property Address: 3 Sunfish Trail,
Fairfield, PA 17320
Parcel No.: (43)-007-0019
Municipality: Borough of Carroll Valley,
Formerly Liberty Township
Improvements: Residential Dwelling
Defendants: Debra A. Scherle
Attorneys for Plaintiff: Agnes Mombrun,
Esq., 856-669-5400

Writ of Execution No.:
2011-SU-0000358
Property Address: 10 Oxwood Circle,
New Oxford, PA 17350
Parcel No.: (34)-007-0080
Municipality: New Oxford
Improvements: Residential Dwelling
Defendants: Claude W. Holmes III and
Rebecca L. Kuhn
Attorneys for Plaintiff: Agnes Mombrun,
Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0000549
Property Address: 1465 Honda Road,
Hanover, PA 17331-8902
Parcel No.: 32-J13-0130---000
Municipality: Mt. Pleasant
Improvements: Residential Dwelling
Defendants: Rodney L. Wineka
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001255
Property Address: 144 West King
Street, Littlestown, PA 17340-1406
Parcel No.: 27008-0223---000
Municipality: Littlestown
Improvements: Residential Dwelling
Defendants: Steven H. Rudisill
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0000016
Property Address: 72 Toms Creek Trail,
Fairfield, PA 17320
Parcel No.: 43-044-0072-000
Municipality: Borough of Carroll Valley,
formerly Liberty Township
Improvements: Residential Dwelling
Defendants: Gail N. Jones
Attorneys for Plaintiff: Marc S.
Weisberg, 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.sheriffofadamscounty.com/sheriffsales.html>

4/20, 27 & 5/4

MASON ET AL

1. The term “payee” under the Pennsylvania Structured Settlement Protection Act is defined as a person domiciled in this Commonwealth who is receiving tax-free payment under a structured settlement and proposes to make a transfer of payment rights thereunder.

2. The standard for considering whether to invoke the doctrine of forum non conveniens was described in *Jessop v. ACF Industries, LLC*, 859 A.2d 801, 803-4 (Pa. Super. 1004).

3. In deciding whether to dismiss a suit based on forum non conveniens, the court must consider two important factors: (1) a plaintiff’s choice of the place of suit will not be disturbed except for weighty reasons, and (2) no action will be dismissed unless an alternative forum is available to the plaintiff.

4. In determining whether “weighty reasons” exist so as to overcome the plaintiff’s choice of forum, the trial court must examine both the private and public interest factors involved.

5. For dismissal on the grounds of forum non conveniens to be appropriate, the private and public factors must be strongly in favor of the party moving for dismissal.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 2011-S-3, ROBERT MASON, AS PARENT AND NEXT
FRIEND TO KIMBERLY P. MASON AND PATRIOT
SETTLEMENT RESOURCES, LLC.

Robert Mason - *Pro se*

Vanya Dugalic, Esq., for Patriot Settlement Resources, LLC

Amy E. W. Ehrhart, Esq., for Monica Rein

Brendan M. Howton, Esq., for USF&G

Kuhn, P.J., October 25, 2011

MEMORANDUM OPINION

Before the Court is a preliminary issue regarding a Petition to Transfer Structured Settlement Payment Rights filed on January 4, 2011, by Robert Mason and Patriot Settlement Resources, LLC. For reasons set forth herein, the Court concludes that this Court does not have jurisdiction and/or is not the proper forum to address the Petition.

To date, the Court has not received any testimony. The background comes from the various documents filed by the parties who have an interest in the outcome of this matter. In order to dispose of the preliminary issue, the relevant background is outlined below.

Robert Mason (hereinafter “Mason”) and Monica Rein (hereinafter “Rein”), formerly Monica Mason, are the parents of Kimberly Mason,

born July 30, 1981, and Nicholas Mason, born October 20, 1990. As a result of issues surrounding the birth¹ of Kimberly, her parents filed a tort claim before the Maryland Health Claims Arbitration Office in 1985.² On September 30, 1987, Mason and Rein executed a General Release and Settlement Agreement which settled this claim in the form of a structured settlement. The Agreement provided that Fidelity and Guaranty Life Insurance Company (hereinafter USF&G) would make the following series of payments:

1. \$5,000 by December 1, 1992.
2. \$5,000 by December 1, 1997.
3. \$75,000 by December 1, 2002.
4. \$100,000 by December 1, 2007.
5. \$30,000 by December 1, 2012.
6. \$30,000 by December 1, 2017.
7. \$50,000 by December 1, 2022.
8. \$60,000 by December 1, 2027.
9. \$30,000 by December 1, 2032.
10. \$30,000 by December 1, 2037.
11. \$250,000 by December 1, 2042.
12. \$300,000 by December 1, 2047.

In addition, beginning December 1, 1987, USF&G was to pay the sum of \$3,200 per month for the life of Kimberly with said payments to increase at the rate of 3 percent per year, compounded annually. All payments were to be made to Mason and Rein “as parents and next friends of” Kimberly. USF&G arranged to fund the periodic payments by purchasing from OM Financial, then known as Fidelity and Guaranty Life Insurance Company, two annuities numbered 1466583 and 1466584, respectively.

Eventually, Mason and Rein separated, although both were living in Westminster, Carroll County, Maryland. In 1998, Kimberly was residing with Rein at the marital home when her parents jointly filed an Emergency Complaint for Withdrawal of Money Pursuant to

¹ Kimberly suffered from severe physical and mental disabilities which would render her unable to care for herself or to manage her own affairs.

² Robert Mason and Monica Mason, next friends of Kimberly P. Mason v. St. Agnes Hospital and I. T. Potorke, M.D., HCA No. 85-339.

Estates and Trusts Article, Section 13-406, with the Circuit Court for Carroll County and docketed at C-98-28411. It appears that the marital home was facing foreclosure sale on November 11, 1998, and the amount needed to cure the mortgage default was in excess of \$36,500. The parents proposed to sell the \$75,000 annuity due December 1, 2002, to J. G. Wentworth Advanced Funding for a payment of \$41,500. That request was granted per Order signed on November 5, 1998, by Honorable Raymond E. Beck Sr.

Subsequently, on August 30, 2001, Mason and Rein were divorced pursuant to a Judgment of Absolute Divorce granted by the Circuit Court for Carroll County, per Honorable Luke K. Burns. The parties were awarded joint custody of their children. However, the Judgment also provided that “child support shall not be exchanged between the parties as [Mason] receives two-thirds (2/3) and [Rein] receives one-third (1/3) of the monthly annuity stemming from a medical malpractice action – said uneven share of the annuity was agreed to in consideration of child support.”

On October 18, 2002, the Carroll County Department of Social Services wrote to USF&G indicating that it was “investigating a report of possible financial exploitation against Kimberly Mason.” At that time, Kimberly would have been 21 years of age. The writer indicated that:

There is some discrepancy as to whom this money [meaning the settlement proceeds] was actually awarded and whether the money is to be used to provide for Kimberly’s care.

I am writing requesting documentation as to how this structured settlement plan is set up and whether this settlement was awarded to Kimberly or her parents ... Kimberly ... is in need of 24-hour supervised care, which is extremely costly. She currently has no other form of income and is not eligible for many state entitlement programs since this settlement money is looked at as an asset of Kimberly’s.

USF&G responded on November 20, 2002, that, as owner of the annuity contracts, it was entitled to designate the payee and to approve any changes in the beneficiary designations. USF&G reported that all payments had been made to Mason and Rein jointly,

however, “recently . . . payments were placed on hold after F&G received conflicting payment requests from” Mason and Rein. USF&G suggested that payments continue to be suspended until a guardian is duly appointed to receive the payments on behalf of Kimberly or as otherwise provided by appropriate order of court entered in a proceeding in which Kimberly’s interest is represented.

On May 6, 2003, the Circuit Court for Carroll County entered a Consent Order³ appointing Mason and Rein joint legal guardians for Kimberly and charged them “with the duties and responsibilities of a guardian as set forth in Title 13 of the Estates and Trusts Article of the Annotated Code of Maryland, including the filing of all inventories and accountings described in § 13-209 of the Estates and Trusts Article, and subject to further order of this Court.” The Order also granted the parties joint legal custody of both children, including primary physical custody with Mason and Rein being entitled to visitation with Kimberly 10 days per month. Furthermore, the Court confirmed that in lieu of child support, Mason was to receive two-thirds of the monthly annuity and Rein was to receive one-third of said annuity.

Mason and Rein again invoked the office of Judge Burns on July 21, 2004, when a Consent Order was entered⁴ authorizing Kimberly’s parents, as joint guardians, to commute all of the remaining lump sum payments⁵ for a sum of \$193,902.62. The proceeds were to be made payable to “Robert Mason and Monica Mason as Parents and Legal Guardians of Kimberly Mason, for the Benefit of Kimberly Mason,” and used solely to purchase real estate to be improved with handicapped facilities to be used for Kimberly’s care and for the purchase of a handicapped accessible van to be used for her benefit. Furthermore, “any and all real and personal property acquired with the Commuted Payments shall be titled in the names of Robert Mason and Monica Mason, and their successors, as legal guardians of Kimberly P. Mason, for the benefit of Kimberly Mason.”

On October 8, 2010, USF&G wrote to Mason noting that it “has recently come to our attention that OMF has been making the

³ Per Honorable Luke K. Burns in Robert Mason v. Monica Mason, C-199-29881-DV. Kimberly was represented by a guardian ad litem during the proceedings.

⁴ In the Matter of the Fiduciary Estate of Kimberly Patricia Mason, Civil No. C-99-29881, in the Circuit Court for Carroll County, Maryland.

⁵ The face value of those payments due from December 1, 2007 through December 1, 2042, as outlined on page 364, was \$880,000.

Annuity payments to your personal checking account” by electronic transfer. Because the Structured Settlement provided that the monthly payments were to be made to Mason “as parent and legal guardian” of Kimberly, USF&G had directed OMF to stop submitting the payments to Mason’s individual account and to resume making the check payable to Mason as parent and guardian. Electronic transfer could be reinstituted if the payment was deposited into a guardianship account for Kimberly.

On January 4, 2011, Mason “as parent and next friend” to Kimberly and Patriot Settlement Resources, LLC, (hereinafter “Patriot”), filed the instant Petition. Mason averred that he was residing at 17 Fawn Hill Road, Hanover, Adams County, Pennsylvania. Patriot is a Florida limited liability company with its offices in Boca Raton, Florida. Mason proposed to enter an agreement with Patriot whereby Patriot would purchase 169 monthly annuity payments for the period February 1, 2011 through February 1, 2025 for the sum of \$215,868. Mason represented that he intended to use \$110,000 of that sum to create a separate living area addition on his home for Kimberly, \$8,000 for furnishings, \$93,000 for a new specialized handicapped accessible van, and \$35,000 for future physical therapy treatments for Kimberly not covered by insurance. The Petition failed to disclose any of the historical background of this matter nor the existence of Rein. The Court set the matter for hearing. On January 21, 2011, Patriot filed a Notice of Hearing indicating that it had served Rein, among others.

On March 10, 2011, Rein filed Objection to the Petition. She reported residing at 226 Wilkson Lane, Fayetteville, Pennsylvania.⁶ Rein averred that: (1) Mason was negotiating an inappropriately low payout, (2) the 2004 payout was for the purpose of purchasing and improving the parents’ homes and for purchasing appropriate vehicles to transport Kimberly, (3) jurisdiction is more proper in Carroll County, Maryland, and (4) Mason’s interest may be adverse to Kimberly’s as some of the funds may be used for his personal benefit.

On March 14, 2011, USF&G filed its Response opposing the Petition. USF&G contended that the proposed transfer of Kimberly’s structured settlement rights should not be approved but that any decision on the Petition should be rendered by the Circuit Court for

⁶ A search on MapQuest indicates this address is in Franklin County, Pennsylvania.

Carroll County, Maryland, and that if a payment was authorized, the proceeds should be endorsed by both guardians.

On March 16, 2011, the undersigned conducted a conference in which counsel for Mason, Patriot, Rein and USF&G participated. Both Rein and USF&G contended that the Circuit Court of Carroll County, Maryland has jurisdiction to address the Petition and is the proper forum to do so. They also contended that Mason and Rein, as co-guardians, and not Mason in his individual capacity should be the appropriate payee of any payment made for or on behalf of Kimberly. Mason and Patriot were granted 20 days to file a responsive pleading on the issue of who is the appropriate payee of any payment made for or on behalf of Kimberly. After said filings, Rein and USF&G would have an additional 20 days to file a supplemental response. Upon the filing of those pleadings, the parties were to promptly advise the Court, in writing, whether a hearing on disputed facts was needed, the time needed to conduct such a hearing, and the date by which they would be ready to present testimony. If no hearing was required, Rein and USF&G were to file a brief within 20 days on the issue of the proper payee, and Mason and Patriot were to file responsive briefs 20 days thereafter.

Patriot filed a Reply on April 4, 2011 arguing that Mason, as parent and next friend to Kimberly, is the proper payee for the requested transfer, that jurisdiction over the proceeding is properly before this Court, and that the proposed transfer is in compliance with Pennsylvania statutory law.

USF&G filed its Supplemental Response on April 26, 2011.

Patriot and USF&G wrote to the Court, May 13 and May 23, respectively, indicating that they were not requesting a hearing.

On May 25, 2011, Mason's counsel filed a petition to withdraw his appearance. A Rule was issued upon Mason returnable in 20 days with a hearing to be held June 13, 2011. Mason failed to file an answer and failed to appear at the hearing. Counsel's request was granted.

On June 15, 2011, the Court wrote to all parties reminding them of the directives issued on March 16. Neither Mason nor Rein had filed any response. Because the Court viewed Mason as the real party that needed to be moving this matter forward, he was advised that the Court would not take any further action unless and until he made clear his intent to proceed and filed the appropriate responses

as previously directed. On June 23, Mason submitted a handwritten letter indicating that he was requesting a hearing but was not opposing how the proceeds check would be issued if the Petition was granted. Rein did not respond until July 27 that she was not requesting a hearing and would rely on the briefs filed by USF&G and Patriot.

By Order dated July 25, 2011, the Court directed a briefing schedule that required all submissions to be received within 40 days.⁷

ISSUE

Whether this Court has jurisdiction and is the proper forum to address the Petition filed by Mason.

DISCUSSION

The Pennsylvania Structured Settlement Protection Act, 40 P.S. § 4001 (hereinafter the “SSPA”) was enacted in 2000. Section 4004 thereof provides that the court of common pleas of the county in which the payee is domiciled “shall have jurisdiction over any petition” under the SSPA. Thus, if the “payee” is domiciled in Adams County, this Court has jurisdiction. The term “payee” under the SSPA is defined as:

A person domiciled in this Commonwealth who is **receiving** tax-free payment under a structured settlement **and proposes** to make a transfer of payment rights thereunder (emphasis added).

The “person” who, in reality, is receiving the payments under the subject structured settlement is Kimberly. Kimberly purportedly resides with Mason in Adams County but may also spend time with Rein in Franklin County. Because of Kimberly’s limitations, she is unable to propose a transfer of payment rights. Payments are currently received by Mason and Rein, as Kimberly’s joint legal guardians, for and on her behalf, and not for their personal uses.⁸ Mason has presented no authority that he has any individual right to propose a transfer of the payments to which Kimberly is entitled. Therefore,

⁷ At this point, a hearing seemed to involve a waste of judicial resources because, based on responses filed, preliminary decisions could be determined from the information before the Court.

⁸ Even though those monthly payments are divided with two-thirds going to Mason and one-third going to Rein, they are being received as guardians on behalf of Kimberly.

individually, he has no standing to “propose to make a transfer.” If Mason does not have standing, there is no proper proposal before this Court and consequently no jurisdiction to entertain the instant Petition.

Even if this Court was to assume that Mason is pursuing the Petition as legal guardian of Kimberly, a question arises whether he can do so without the joinder of Rein. After Kimberly became an adult, the Maryland Court designated her parents as “joint legal guardians” for purposes of receipt of proceeds from the structured settlement. There is no indication on the record to date suggesting that either of the guardians may act independently with respect to transferring Kimberly’s monthly benefits. Rein has not joined in the Petition and is clearly opposed. If, as I conclude at this point, that the guardians must jointly petition for a transfer, then again the “person” (i.e. both guardians) receiving the payment is not proposing a transfer and jurisdiction does not lie in Adams County.

Even if the undersigned concluded that this Court has jurisdiction, it does not appear that Adams County is the proper forum to address the request to transfer Kimberly’s payment rights. Pennsylvania has codified the common law doctrine of *forum non conveniens*, in 42 Pa. C.S.A. § 5322(e) which provides:

When a tribunal finds that in the interest of substantial justice the matter should be heard in another forum, the tribunal may stay or dismiss the matter in whole or in part on any conditions that may be just.

The standard for considering whether to invoke the doctrine of *forum non conveniens* was described in *Jessop v. ACF Industries, LLC*, 859 A.2d 801, 803-4 (Pa. Super. 1004).

In deciding whether to dismiss a suit based on *forum non conveniens*, the court must consider two important factors: (1) a plaintiff’s choice of the place of suit will not be disturbed except for weighty reasons, and (2) no action will be dismissed unless an alternative forum is available to the plaintiff

In determining whether “weighty reasons” exist so as to overcome the plaintiff’s choice of forum, the trial court must examine both the private and public interest factors involved The private factors a court must consider

include: the relative ease of access to sources of proof, availability of compulsory process for attendance of unwilling, and the cost of obtaining attendance of willing, witnesses; possibility of a view of the premises, if a view would be appropriate to the action; and all other practical problems that make trial of a case easy, expeditious and inexpensive.

With regard to the public factors a court must consider, this Court has recognized that administrative difficulties follow for courts when litigation is piled up in congested centers instead of being handled at its origin. Jury duty is a burden that ought not to be imposed upon the people of a community that has no relation to the litigation. There is an appropriateness, too, in having the trial in a forum that is at home with the state law that must govern the case, rather than having a court in some other forum untangle problems in conflict of laws, and law foreign to itself. ... For dismissal on the grounds of forum non conveniens to be appropriate, the private and public factors must be strongly in favor of the party moving for dismissal (citations omitted).

For many reasons, this Petition should be presented to the Circuit Court for Carroll County. As outlined above, that court has an extensive history with Kimberly's welfare. Pursuant to prior orders, the guardians were to file accountings with the Maryland court. It is the Maryland court, where the guardianship was created, that should determine whether one guardian may pursue a transfer of payments independent of and contrary to the recommendation of the other. Although Mason currently resides in Adams County, his residence is approximately 25 miles from the Carroll County Courthouse and 16.5 miles from the Adams County Courthouse.⁹ Rein and USF&G have argued that Carroll County is the proper forum. Patriot's offices are in Florida and its attorney's office is in Wynnewood, Montgomery County, Pennsylvania. There are no witnesses to summon and no proof that is more unique to Pennsylvania than Maryland. A jury will not be required to resolve the matter being litigated. Maryland has a Structured Settlement Protection Act not unlike Pennsylvania's version.

⁹ Per MapQuest.

It is interesting that when the guardians wanted to effectuate a transfer of Kimberly's rights in 2004, they went before the Circuit Court for Carroll County in the case docketed to the parties' divorce, C-1999-29881, and, pursuant to the Consent Order, were authorized to transfer payment rights under Section 13-203(c) and 13-704 of Title 13 of the Estates and Trusts Article of the Annotated Code of Maryland instead of under the Maryland Structured Settlement Protection Act, Maryland Code Annotated § 5-1101, et seq. which became effective in October 2000. Perhaps this suggests that the Maryland court viewed its authority to authorize transfer of Kimberly's monthly payments to be outside of the Structured Settlement Protection legislation.

Rather than dismiss this action, however, this Court will stay the matter generally. Because Mason, Rein, and Kimberly now reside in Pennsylvania, if they, as guardians, want the Pennsylvania courts to exercise jurisdiction over guardianship matters, they should seek permission from the Maryland court to extinguish its jurisdiction and allow the guardians to request the appropriate Pennsylvania court to oversee Kimberly's interest. They could also request the Maryland court to decide whether petitions to transfer Kimberly's payment rights may be pursued by only one of the guardians. Under either circumstance, Adams County may then become an appropriate forum.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 25th day of October 2011, in consideration of the attached Memorandum Opinion, the Court does hereby stay further proceedings relative to the Petition to Transfer Structured Settlement Payment Rights filed on January 4, 2011.

Presently, this Court concludes that Adams County does not have jurisdiction to address the Petition and/or the Circuit Court for Carroll County, Maryland is the proper forum to do so. If the Maryland court enters an order which resolves the concerns raised by this Court, the parties are to immediately notify this Court and the Stay will be lifted.

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 May 2012, at 10 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.:
2009-SU-0001536
Property Address: 4 Peach Tree Trail,
Fairfield, PA 17320
Parcel No.: 43-041-0008-000
Municipality: Carroll Valley
Improvements: Residential Dwelling
Defendants: Shawn M. Burns and
Cindi D. Burns
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2009-SU-0000676
Property Address: 163 Main Street,
Biglerville, PA 17307
Parcel No.: 02-006-0046-A
Municipality: Arendtsville
Improvements: Residential Dwelling
Defendants: Jack A. Himes,
Judith G. Himes
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0001255
Property Address: 14 Carly Drive,
New Oxford, PA 17350
Parcel No.: 35-01 0-0059-000
Municipality: Oxford
Improvements: Residential Dwelling
Defendants: Adam Andrew Lahman
Attorneys for Plaintiff: Kristine M.
Anthon, Esq., 412-281-7650

Writ of Execution No.:
2011-SU-0001374
Property Address: 1385 Baltimore
Road, York Springs, PA 17372
Parcel No.: 22-J05-0016
Municipality: Huntington
Improvements: Tracts of land
Defendants: Martine Barton
Attorneys for Plaintiff: Scott F. Landis,
Esq., 717-299-5201

Writ of Execution No.:
2011-SU-0001365
Property Address: Tracts of land situate
in Huntington Township, Adams
County, PA 17372
Parcel No.: 22-I05-0024B-000
Municipality: Huntington
Improvements: Tracts of land
Defendants: Martine Barton
Attorneys for Plaintiff: Scott F. Landis,
Esq., 717-299-5201

Writ of Execution No.:
2011-SU-0001430
Property Address: 1076 Bon-Ox Road,
Gettysburg, PA 17325
Parcel No.: 32-I13-0009
Municipality: Mt. Pleasant
Improvements: Residential Dwelling
Defendants: Christopher R. Kirkpatrick
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2011-SU-0001813
Property Address: 50 Valley View Drive,
Littlestown, PA 17340
Parcel No.: 41-J17-0173
Municipality: Union
Improvements: Residential Dwelling
Defendants: Robert R. Runkles Sr.,
Rose M. Runkles
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2011-SU-0002040
Property Address: 6 Ash Drive,
Littlestown, PA 17340
Parcel No.: 06-010-0008
Municipality: Bonneauville
Improvements: Residential Dwelling
Defendants: Buddy Lovell
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2010-SU-0000907
Property Address: 1491 Fairfield Road,
Gettysburg, PA 17325
Parcel No.: 09-E13-0063A
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Frederick A. Bayer,
Kimberly A. Bayer
Attorneys for Plaintiff: Louis P. Vitti,
Esq., 412-281-1725

Writ of Execution No.:
2004-SU-0000594
Property Address: 900 Chambersburg
Road, Gettysburg, PA 17325
Parcel No.: 09-E12-0108
Municipality: Cumberland
Improvements: Commercial
Defendants: Steven R. Wolf
Attorneys for Plaintiff: Arthur J. Becker
Jr., Esq., 717-630-9688

Writ of Execution No.:
2010-SU-0001265
Property Address: 95 Comanche Trail,
Hanover, PA 17331
Parcel No.: 8-012-0050-000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Anthony J. Graber III;
Alyse Graber
Attorneys for Plaintiff: Patrick M. Reb,
Esq., 717-274-6620

Writ of Execution No.:
2011-SU-0001832
Property Address: 1080 The Spangler
Road, New Oxford, PA 17350
Parcel No.: 17-J10-435
Municipality: Hamilton
Improvements: Known as Lot G
Defendants: David Lease
Attorneys for Plaintiff: Laurence T.
Himes Jr., Esq., 717-864-8856

Writ of Execution No.:
2011-SU-0000095
Property Address: 2941 Hanover Pike,
Hanover, PA 17331
Parcel No.: 08-45-0024B-000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: David Lookingbill
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001435
Property Address: 6 Saint Joseph Lane,
McSherrystown, PA 17344
Parcel No.: 28.3-002
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: Chad J. Grimes, Tina M.
Wentz
Attorneys for Plaintiff: Danielle Boyle-
Ebersole, Esq., 215-572-5095

Writ of Execution No.:
2010-SU-0001587
Property Address: 127 Marcey Court,
a/k/a 127 Marcey Court, Lot 6, f/k/a
281 Bollinger Road, Littlestown, PA
17340-9044
Parcel No.: 15-J18-0215---000
Municipality: Germany
Improvements: Residential Dwelling
Defendants: Kathleen Matulonis
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

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.sheriffofadamscounty.com/sheriffsales.html>

4/20, 27 & 5/4

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 May 2012, at 10 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-0000807
Property Address: 985 Pondtown Road,
Dillsburg, PA 17019-9209
Parcel No.: 23K03-0021---000
Municipality: Latimore
Improvements: Having thereon erected
a one-story dwelling house
Defendants: Geraldine Sauchelli,
Kenneth J. Adamik
Attorneys for Plaintiff: Robert W.
Cusick, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001105
Property Address: 2725 Hunterstown
Hampton Road, New Oxford, PA
17350-9766
Parcel No.: 36-J09-0006A---000
Municipality: Reading
Improvements: Residential Dwelling
Defendants: Linda A. Roe, Jerry G.
Combs Jr.
Attorneys for Plaintiff: Andrew Marley,
Esq., 215-563-7000

Writ of Execution No.:
2010-SU-0000306
Property Address: 2550 Low Dutch
Road, Gettysburg, PA 17325
Parcel No.: 30-G15-0023
Municipality: Mt. Joy
Improvements: Residential Dwelling
Defendants: Raymond B. Koenig,
Linda E. Koenig
Attorneys for Plaintiff: Michael C.
Mazack, Esq., 412-566-1212

Writ of Execution No.:
2010-SU-0000408
Property Address: 21 Hill Crest Road,
Fayetteville, PA 17222-8320
Parcel No.: 12-A10-0057---000
Municipality: Franklin
Improvements: Residential Dwelling
Defendants: Cheryl A. Goldsmith and
Christopher E. Goldsmith
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

Writ of Execution No.:
2011-SU-0001562
Property Address: 971 McGlaughlin
Road, Fairfield, PA 17320
Parcel No.: 25-D15-0033
Municipality: Liberty
Improvements: Residential Dwelling
Defendants: Elias N. Langas, Julie A.
Langas, Julie A. Ritter
Attorneys for Plaintiff: Richard E.
Thrasher, Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0001571
Property Address: 1235 Abbottstown
Pike, Hanover, PA 17331
Parcel No.: 04-L11-0156
Municipality: Berwick
Improvements: Commercial
Defendants: Randy B. Test, Bradley A.
Test
Attorneys for Plaintiff: Edward G. Puhl,
Esq., 717-334-2159

Writ of Execution No.:
2011-SU-0001591
Property Address: Lot Nos. 18, 19, 20,
21, 22, 70, 71, and 72 of Summit
Ridge Development, Abbottstown,
PA 17301
Parcel No.: No Tax Map & Parcel No.
Municipality: Berwick
Improvements: Lots of land
Defendants: Test Enterprises, Inc.
Attorneys for Plaintiff: Edward G. Puhl,
Esq., 717-334-2159

Writ of Execution No.:
2010-SU-0001857
Property Address: 511 Russell Tavern
Road, Gettysburg, PA 17325
Parcel No.: 9-F11-1B
Municipality: Cumberland
Improvements: Residential Dwelling
Defendants: Stephen R. Maitland,
Melinda K. Maitland
Attorneys for Plaintiff: Marc S.
Weisberg, Esq., 215-790-1010

Writ of Execution No.:
2011-SU-0001941
Property Address: 114 Ocelot Drive,
Hanover, PA 17331
Parcel No.: 08007-0038---000
Municipality: Conewago
Improvements: Residential Dwelling
Defendants: Joshua M. Kibler, Tara R.
Kibler
Attorneys for Plaintiff: Daniel M. Frey,
Esq., 717-299-5201

Writ of Execution No.:
2011-NO-0000434
Property Address: 319 Baltimore Street,
Gettysburg, PA 17325
Parcel No.: 101-0359---000
Municipality: Gettysburg
Improvements: Residential Dwelling
Defendants: John M. Garlach
Attorneys for Plaintiff: Robert E.
Campbell, Esq., 717-334-9278

Writ of Execution No.:
2011-SU-0001569
Property Address: 785 Hanover Street,
New Oxford, PA 17350
Parcel No.: 35-K12-32-B
Municipality: Oxford
Improvements: Residential Dwelling
Defendants: Catherine Ginter Ben Dror,
Catherine Ginter Dror
Attorneys for Plaintiff: Christopher A.
DeNardo, Esq., 610-278-6800

Writ of Execution No.:
2010-SU-0000359
Property Address: 2512 Mount Hope
Road, Fairfield, PA 17320
Parcel No.: B15-6
Municipality: Hamiltonban
Improvements: Residential Dwelling
Defendants: Ken Hankins
Attorneys for Plaintiff: Sherri J.
Braunstein, Esq., 856-669-5400

Writ of Execution No.:
2010-SU-0000900
Property Address: 139 North 2nd
Street, McSherrystown, PA 17344-
1420
Parcel No.: 28001-0008---000
Municipality: McSherrystown
Improvements: Residential Dwelling
Defendants: William E. Fean III a/k/a
William Fean III
Attorneys for Plaintiff: John Michael
Kolesnik, Esq., 215-563-7000

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James Muller
Sheriff of Adams County
<http://www.sheriffadamscounty.com/sheriffsales.html>

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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 KATHRYN J. GROOT, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Raymond J. Sheedy III, 1019 Crouse Mill Road, Keymar, MD 21557

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

ESTATE OF CHRISTIANA A. LEONARD, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Robbin A. Leonard, 125 North Second St., McSherrystown, PA 17344

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

ESTATE OF ALBERT F. RITTER a/k/a ALBERT FRANKLIN RITTER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Kent L. Sauters, 2 Butternut Lane, Hanover, PA 17331

Attorney: Timothy J. Shultis, Esq., Shultis Law, LLC, 1147 Eichelberger Street, Suite F, Hanover, PA 17331

ESTATE OF JAMES D. ROSENBERRY, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrix: Laura Miller, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF RALPH E. WOODWARD JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF MYRTLE R. HEINDEL a/k/a MYRTLE RUTH HEINDEL, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Lee E. Heindel, Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF LORRAINE A. MELLOTT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Co-Administrators: Ruth Anne Karshner, 1565 New Valley Road, Marysville, PA 17053; Larry L. Mellott, 250 Fall Foliage Lane, Howard, PA 16841

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

ESTATE OF MALCOLM NORMAN STEWART, DEC'D

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

Executrix: Elizabeth E. Stewart, c/o Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 E. Middle Street, Gettysburg, PA 17325

Attorney: Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 E. Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF DAWN E. ARENTZ, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Diane E. Gross, 15 Woodcrest Circle, Littlestown, PA 17340; William R. Arentz, 3531 Baltimore Pike, Littlestown, PA 17340

Attorney: Thomas E. Miller, Esq., Law Offices of Thomas E. Miller, Esquire LLC, 249 York Street, Hanover, PA 17331

ESTATE OF DOROTHY M. FAIR, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Larry D. Fair, 2773 Meadow Drive, Gettysburg, PA 17325

Attorney: Ronald J. Hagaman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HELEN B. HAUSER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executors: Alan Kim Patrono, 98 East Broadway, Gettysburg, PA 17325; Melinda Davis, 48 Beechwood Drive, Fairfield, PA 17320

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

ESTATE OF SHIRLEY A. HESS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Jill M. Schultz, 473 Plantation Road, Orrtanna, PA 17353

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

ESTATE OF KENNETH R. McAFEE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: E. Romaine Nitchman, 332 Lovely Lane Court, New Oxford, PA 17350; Ruth Carpenter, 533 Grace Terrace, New Oxford, PA 17350

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

ESTATE OF EDITH ALIDA ROGLER a/k/a EDITH A. ROGLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Judith A. Risk, 361 High Rock Road North, Hanover, PA 17331

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

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized 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
BAUMGARDNER'S MECHANICAL, INC.

Henry O. Heiser III, Esq.
104 Baltimore Street
Gettysburg, PA 17325

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NOTICE OF ADMINISTRATIVE
SUSPENSION

NOTICE IS HEREBY GIVEN that Larry Charles Holt of Adams County has been administratively suspended by Order of the Supreme Court of Pennsylvania dated March 27, 2012, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 26, 2012 for Compliance Group 2.

Suzanne E. Price
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

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