

Adams County Legal Journal

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CLE in Gettysburg

Course Title: “Appellate Pitfalls and Pointers for the General Practitioner”

Course Description: Lunch 'N Learn, Brown Bag lunch

Fees: None

Attorneys Debra P. Fourlas and Kandice J. Giurintano, of McNees Wallace & Nurick LLC, will present “Appellate Pitfalls and Pointers for the General Practitioner”. With appellate practice becoming more and more technical and specialized, general practitioners and others who venture only rarely into the appellate forum may face more difficulties than in the past in complying with the appellate rules. This presentation covers the basic mechanics of taking an appeal, including the Notice of Appeal, Docketing Statement, Statement of Matters Complained of on Appeal, and designation of the Reproduced Record. It also offers both mechanical and substantive hints for producing an appellate brief that is persuasive and in compliance with applicable rules. There will be a brief discussion of processes after the initial appeal, including applications for reargument and petitions for allowance of appeal (allocatur). Finally, time permitting, there will be a short presentation on recent changes in the appellate rules that are creating a family law fast track through the appellate process. **(1.0 hour, substantive)**

Date and Time: Tuesday, October 20, 2009 at 12:00 Noon

Class Address: Adams County Courthouse, Jury Assembly Room, 4th Floor, 117 Baltimore Street, Gettysburg, PA 17325

Registration – please contact: Liz Sharpe, McNees Wallace & Nurick, LLC

Phone: (717) 237-5447, Fax: (717) 237-5300, Email: lsharpe@mwnc.com

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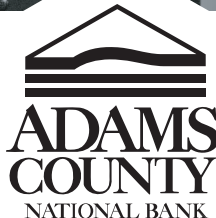
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-418 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those two (2) tracts of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1:

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1149 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 21. Subject to all legal highways, easements, rights of way and restrictions of record.

Tract No. 2:

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1148 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 21.

Subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Christian S. Mueller and Cynthia E. Mueller by deed from Carl S. Overby, single, dated September 23, 2005 and recorded September 26, 2005 in Deed Book 4139, Page 60.

TAX ID. #: (24) 009-0045

Being Known As: 11 Barlow Drive, East Berlin, PA 17316.

SEIZED and taken into execution as the property of **Christian S. Mueller & Cynthia E. Mueller** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-632 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe on the right-of-way of Conewago Drive; thence running along said right-of-way North eighty-one (81) degrees, twenty-two (22) minutes, ten (10) seconds East, forty (40) feet to an iron pipe at Lot No. 6; thence along said Lot, South eight (08) degrees, thirty-seven (37) minutes, fifty (50) seconds East, two hundred (200.00) feet to an iron pipe at lands now or formerly of Miser-Weber Associates and Vincent P. Pisula, Jr.; thence along said lands South eighty-one (81) degrees, twenty-two (22) minutes, ten (10) seconds East, forty (40) feet to an iron pipe at lands now or formerly of Samuel R. Sneeringer at Lot No. 2, recorded in Plat Book 36, at page 148; thence along said lot North eight (08) degrees, thirty-seven (37) minutes, fifty (50) seconds West, two hundred (200) feet to the place of BEGINNING, CONTAINING 8,000 square feet, more or less. Being Lot No. 7 on the final plan of Samuel R. Sneeringer, as prepared by Mort, Brown and Associates, Registered Surveyors, said plan being dated April 17, 1984 and recorded in the Recorder of Deeds Office

for Adams County, Pennsylvania on April 25, 1984, in Plat Book 40 at Page 8.

SUBJECT to restrictions as set forth in a Declaration of Lot Restrictions dated November 6, 1984 and recorded in the Recorder of Deeds Office for Adams County, Pennsylvania in Record Book 390, Page 326.

EXCEPTING AND RESERVING unto Samuel R. Sneeringer, his heirs and assigns, the full, free liberty and right at all times hereafter forever, to have and use a passageway fifteen (15) feet wide along the rear boundary line of the lot hereby granted for any and all purposes connected with the use and occupation of other land now owned by Samuel R. Sneeringer adjoining the lot hereby granted.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions and agreements affecting the property.

MAP & PARCEL NO.: 8-1-236.

The improvements thereon being known as 30 Conewago Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **Heather R. Heinemann & James W. Heinemann** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

COMMONWEALTH VS. WANTZ

1. Before it can be said that a judge should have recused himself or herself, the record must clearly show prejudice, bias, capricious disbelief or prejudgment.

2. Regarding a limiting instruction, when a defense counsel fails to request a limiting instruction regarding evidence that comes out in trial, the claim is waived and the trial court is not required to sua sponte instruct the jury.

3. Jurors are not expected to be free from all prejudice. The law requires them to put aside the prejudices and make a determination based on the facts presented.

4. The test for disqualification is the juror's ability to eliminate his personal prejudices and render a verdict according to the evidence. The determination is to be made by the trial judge based on the juror's awareness and demeanor, and an appellate court will not reverse a judge's ruling on a challenge for cause absent a palpable abuse of discretion.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CR-509-2006. COMMONWEALTH OF PENNSYLVANIA VS. KELLY R. WANTZ.

Shawn Wagner, Esq., for Commonwealth

Jason Duncan, Esq., for Defendant

Kuhn, P.J., November 21, 2008

OPINION PURSUANT TO PA. R. APP. 1925

On March 28, 2008 a jury returned a verdict of guilty on Count I, Aggravated Assault, 18 Pa.C.S.A. § 2702(a)(1), and on Count II, Endangering Welfare of Children, 18 Pa.C.S.A. § 4304(a).¹ The factual and procedural background can be found in this Court's Opinion Pursuant To Defendant's Post-Sentence Motion dated September 24, 2008. Appellant filed a timely Notice of Appeal on October 8, 2008 and a Concise Statement of Matters Complained Of On Appeal on November 4, 2008. Appellant raises several issues relating to the undersigned's participation in this case, trial testimony, witnesses, evidence presented, and sentencing. Issues will be addressed in order.

Recusal

Appellant first argues that the undersigned erred in not recusing himself as trial judge because I acted as Juvenile Court Judge during the dependency proceedings involving Appellant's children, including the victim in the abuse matter. "Generally, recusal is warranted where the appearance of impropriety arises because of a judge's pecuniary interest in a controversy or because of a consanguineal

¹This section was amended by Act 179 of 2006 to change what was Section 4304(a) to Section 4304(a)(1).

relationship between the judge and one of the litigants. Before it can be said that a judge should have recused himself or herself, the record must clearly show prejudice, bias, capricious disbelief or prejudgment.” *Dennis v. Southeastern Pennsylvania Transp. Auth.*, 833 A.2d 348, 353 (Pa. Commw. 2003). Appellant has offered no evidence to show that the undersigned’s participation in the dependency matter had any effect on my ability to act fairly as a judge in the criminal proceedings against Appellant. Further, at no point during the criminal proceedings did Appellant make any request for the undersigned to recuse myself from participation in this matter.

Trial Testimony

Appellant has raised several matters relating to testimony offered at trial. Appellant first argues that this court abused its discretion in not sua sponte instructing the jury on certain testimony from the Commonwealth’s expert, Dr. Mark Dias.² He alleges that the Court erred in not striking or issuing a corrective instruction to the jury when Dr. Dias testified 1) that the injuries to the child were caused by abuse and that Appellant was the perpetrator, and 2) that in an overwhelming majority of cases, the perpetrator is the person with the child when 9-1-1 is called.

At trial, Dr. Dias³ was qualified, without objection from the Appellant, as an expert in pediatric neurosurgery specifically presented to render an opinion concerning his care and treatment of Jacob Wantz, the injuries Jacob suffered, and the mechanism concerning those injuries. [N.T. 134]. When asked at trial if he had an opinion on how the injuries to Jacob occurred, Dr. Dias responded:

My opinion is I think it is very clear and certainly within a reasonable degree of medical certainty that the injuries Jacob suffered on the 27th of January, 2005 were abusive and that they occurred on the evening of the 27th when he was in the custody and care of his father.

²Dr. Dias treated Jacob Wantz after his injury.

³Dr. Dias is the Director of Pediatric Neurosurgery, Vice Chair of Neurosurgery and Professor of Neurosurgery at Hershey Medical Center. He is one of only eight physicians who are board certified in pediatric neurosurgery in Pennsylvania. He has extensive experience dealing with children (approximately 150) who have been the victim of non-accidental head trauma. Dr. Dias serves on the Attorney General’s Medical-Legal Advisory Board on the subject of abusive head trauma.

[N.T. 170]. Appellant alleges this statement was improper opinion testimony as to the guilt of Appellant. No objection was made to this statement by Appellant during the testimony.

Dr. Dias rendered his opinion as to the timing of Jacob's injury based upon a number of factors. [N.T. 167]. First, he was provided with a history that the child was home alone with Appellant when he began having breathing difficulties. [N.T. 139].⁴ Second, during the first 48 hours of treatment Jacob was experiencing a series of seizures which are a manifestation of an underlying brain injury. [N.T. 140; 165]. Third, the subdural bleeding and brain swelling as seen on CT scans suggests injury on January 27th. [N.T. 166-7].

The following exchange then occurred between the District Attorney and Dr. Dias.

Again, I think there are a couple papers that speak to that issue. One is that the person—a paper that talked about who was with the person and who was the perpetrator in cases of abusive head trauma and the person who was with the child at the time the 9-1-1 call goes out is in the overwhelming majority of cases the perpetrator...

[N.T. 170-171]. "Papers" refers to medical papers and articles written by members of the profession.

Appellant alleges this testimony was improper profiling evidence. It is noted that Dr. Dias never indicated that Appellant, as the person who called 9-1-1, was the perpetrator, simply that in a majority of cases the person who makes the 9-1-1 call is the perpetrator. He based this analysis on his reading of the relevant medical literature and based on his experience as a pediatric neurosurgeon. Appellant raised no objection to this testimony at trial.

Appellant also alleges that the Court "erred in allowing the Prosecutor to mention evidence presented at the prior CYS hearings in front of the jury while specifically invoking the judge's name thereby lending an air of credibility to the Government's case." While cross-examining the Appellant, the District Attorney asked, "On January 24, 2007 did you appear at another dispositional hearing here in Children and Youth with Judge Kuhn?" [N.T. 284]. The District Attorney was questioning Appellant about his cooperation

⁴Irregular breathing is a factor in determining when abusive head trauma occurs. [N.T. 159; 166].

with Children and Youth Services during the proceedings to determine placement of Jacob and Joshua Wantz. When the District Attorney initially raised questions about Appellant's cooperation with Children and Youth and whether Appellant had appeared at the pediatrician's office during the treatment with alcohol on his breath, Appellant's counsel objected to the relevancy. [N.T. 278]. The Court ruled that Appellant opened the door to this inquiry because on direct examination Defendant testified that he had bent over backwards to cooperate with the agency. [N.T. 279].⁵ Further, when the District Attorney actually mentioned the undersigned's name, no objection was made to that reference.

In his final claim regarding trial testimony, Appellant argues that the Court abused its discretion when "it failed to sua sponte strike or issue a curative instruction to the jury regarding improper commentary by a police officer regarding the Defendant's choice to invoke his right to remain silent. This improper commentary took place in front of the jury." It is not entirely clear which statement Appellant is referring to, but it appears to concern testimony by Detective Frank Donnelly of the Adams County District Attorney's Office. Det. Donnelly testified that upon arrest and being advised of his *Miranda* rights, Defendant was asked about the confession he left at the Littlestown Police Department. [N.T. 315]. Det. Donnelly advised Defendant that they could go to the Littlestown Police Department where he would "show" Defendant the note and they could discuss it. [N.T. 316]. Det. Donnelly testified that the Defendant did not wish to do that and the interview ended at that point. *Id.*

Regardless of the admissibility of any of these statements, at no point did Appellant make any objection to their introduction at trial. Regarding a limiting instruction, when a defense counsel fails to request a limiting instruction regarding evidence that comes out in trial, the claim is waived and the trial court is not required to sua sponte instruct the jury. *Com. v. Cruz*, 414 A.2d 1032, 1035 (Pa. 1980). Furthermore, in *Com. v. Robinson*, 670 A.2d 616 (Pa. 1995), Supreme Court dealt with a situation where an officer stated, in front of the jury, that after a defendant was given his *Miranda* rights, "he appeared to be somewhat hesitant as far as cooperating." *Id.* at 619.

⁵ On direct examination, Appellant testified regarding his cooperation with Children and Youth, "I thought we were falling over, bending over backwards to give them any cooperation we could give them." [N.T. 258].

Defense counsel asked for a mistrial, which the Court denied and gave the jury a limiting instruction. *Id.* On appeal, defendant argued that the trial court erred because it did not instruct the jury that no inference could be drawn from defendant's silence after his arrest. *Id.* The Court found that because defense counsel did not object to the instruction right after it was given and did not raise an issue as to its adequacy in post sentence motions, the claim was waived on appeal. *Id.* at 620. Because of failure to object to the testimony at trial or raise it in his post sentence motions, Appellant's present claims on appeal have been waived. "Issues not raised in the lower court are waived and cannot be raised for the first time on appeal." *Pa. R. App. Pro.* 302.

Witnesses

Appellant next alleges that this court erred in denying his request to allow Dr. Michael Barnett, Dr. MacGregor, and Pat Schindel to testify. On the second morning of trial Appellant's counsel raised the possibility of calling these persons as defense witnesses. Defendant alleges that Dr. Barnett was relevant to a proper, substantive defense and Ms. MacGregor and Schindel were proper rebuttal witnesses.

Purportedly, Dr. Barnett was the obstetrician who delivered Jacob and his twin brother. Appellant's purpose for presenting Dr. Barnett was to try and show that something happened to Jacob at birth that may have caused the injuries which manifested themselves on January 27, 2005. [N.T. 120]. Appellant's counsel acknowledged that they had no idea what Dr. Barnett would say. *Id.* At the time of trial Appellant had no idea where Dr. Barnett was and had not even contacted him. [N.T. 204]. Appellant thought Dr. Barnett was the children's obstetrician, even though his name was not on the documentation counsel had available. *Id.* Appellant indicated that the first time he had seen evidence which he alleges showed some abnormalities at birth (namely an artery issue concerning the placenta) was the Saturday before trial. [N.T. 205]. The undersigned denied this request because Appellant was present during the dependency proceeding relating to Jacob and Joshua in May, 2005 when Dr. Callery, a doctor hired by the Appellant and his then wife, testified concerning this issue. [N.T. 207]. Accordingly this was not new information offered by the Appellant and therefore it was not appropriate for this Court to delay the trial any further for Appellant to conduct a fishing

expedition for information that he already had in his possession nearly three years earlier. [N.T. 208].

Appellant also wanted to present the testimony of Dr. MacGregor⁶ and Pat Schindel.⁷ Appellant wanted to offer Dr. MacGregor to testify about comments in her report offered in the dependency proceeding where she opined that he was not a violent person.⁸ [N.T. 111]. The undersigned denied that request because she had not been subpoenaed and Appellant had ample opportunity to raise the admissibility of her testimony.⁹ [N.T. 117]. Furthermore, Dr. MacGregor's report was available to Appellant long before trial and delaying the trial for weeks to arrange Dr. MacGregor's appearance was not appropriate. [N.T. 209].

Finally, Appellant offered Pat Schindel to testify that she observed Appellant with Jacob and his brother after the incident during supervised visits. [N.T. 112; 114]. However, this observation was not –relevant because it occurred well after the event and after these charges had been filed against Appellant. [N.T. 116; 209]. Accordingly, her testimony was determined not to be relevant as to Appellant's violent or non-violent nature at the time of the incident.

Sentence

Appellant alleges that this Court entered an illegal sentence. That matter has already been addressed in the Court's Order and Opinion dated September 24, 2008 denying Appellant's post-sentence motion.

New Evidence

Appellant argues that a new trial should be granted because of newly discovered evidence that calls into question the testimony of the Commonwealth's expert, Dr. Dias, regarding the applicability of Shaken Baby Syndrome to this case. That matter is not appropriate for an appeal and should be reserved for a PCRA claim.

⁶The undersigned knows Dr. MacGregor to be a licensed clinical psychologist.

⁷Patricia Schindel is employed as an in-home service provider for families in need. The undersigned is aware that Ms. Schindel provided some services to the Wantz family during the course of the dependency proceedings.

⁸Dr. MacGregor was offered by CYS as an expert during the dependency proceedings for Jacob and Joshua. As part of her report she interviewed Appellant.

⁹It is unclear whether Appellant wanted to offer Dr. MacGregor as a character witness or as an expert witness. With regard to the former there was concern that Dr. MacGregor could meet the threshold qualifications for such testimony. As to the latter Appellant had made no arrangements to hire the services of Dr. MacGregor.

Dismissal of Jurors

Finally, Appellant argues that the Court erred in denying a defense motion at the start of trial to dismiss certain jurors based on the fact that 1) one juror contacted the Court informing it that he had been the victim of child abuse as a child and 2) other jurors saw Appellant in shackles during trial. Prior to the start of the trial, the undersigned questioned Juror No. 24 regarding his claim that he was the victim of abuse when he was between ages 12 and 14. When asked if he would be able to set aside his personal experiences and decide the case based on the evidence presented in the trial, the juror responded in the affirmative. [N.T. 6-7]. Appellant also claims that he was prejudiced because prior to trial some of the jurors saw him in shackles during the jury selection process. [N.T. 9]. The undersigned denied that motion because Appellant did not raise objection at the time the jury was selected and there was no way to know days later if any of the jurors that were selected did see Appellant in shackles. Asking them about it would only emphasize possible prejudice. [N.T. 9-10]. Furthermore, Appellant's counsel advised that he did not want the jurors voir dired on the matter. [N.T. 10].

Appellant has offered no evidence to support any claim of prejudice. Furthermore, the juror who had been a victim of abuse was specifically questioned regarding whether he could put aside his personal experiences and make a fair determination based on the evidence presented. [N.T. 7]. He replied that he could. *Id.* Jurors are not expected to be free from all prejudice. *Com. v. Howard*, 471 A.2d 1239, 1242 (Pa. Super. 1984). The law requires them to put aside the prejudices and make a determination based only on the facts presented. *Id.* "...[A]ny initial ambivalence by a prospective juror does not warrant her dismissal where she subsequently indicates she can set aside any bias and reach a verdict based upon the evidence properly presented to the jury." *Id.* (citations omitted). The test for disqualification is the juror's ability to eliminate his personal prejudices and render a verdict according to the evidence. *Id.* (citations omitted). The determination is to be made by the trial judge based on the juror's awareness and demeanor, and an appellate court will not reverse a judge's ruling on a challenge for cause absent a palpable abuse of discretion. *Id.* (citation omitted). In *Howard*, the Superior Court ruled that a trial judge did not err in denying a motion

to discharge a juror for cause where the judge explained to the juror the objectivity required and the juror assured that she could be fair and try defendant on the evidence. *Id.* That same situation occurred here. The undersigned explained to the juror what would be required of him and he assured the Court that he would decide the matter based on the evidence presented. Therefore, it was not error for this Court to deny Appellant's request. Finally, all members of the panel were asked prior to the start of trial if anything had come up that would affect their abilities to be fair and impartial. [N.T. 5]. No juror, except number 24 as discussed above, responded affirmatively to this question. Therefore, Appellant has not presented any evidence to suggest that there was an unfair bias against him by members of the jury.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-361 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot #586 on a plan of lots of Lake Meade, Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 1, Map 2, Sheet 4 of 9.

UNDER and SUBJECT to all restrictions, conditions and agreements as set forth in the Deed from Lake Meade, Inc., dated May 3, 1967 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 323, Page 3 to Chester K. Moreland and Barbara J. Moreland, his wife.

TOGETHER with all buildings, improvements, easements, rights of way, rights, privileges and hereditaments appurtenant thereto.

UNDER and SUBJECT to all covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

TITLE SAID PREMISES IS VESTED IN Saranne McCullough, by Deed from Thomas P. McCullough and Suzanne McCullough, correctly known as Saranne McCullough, dated 05/05/1999, recorded 07/07/1999 in Book 1869, Page 0128.

Tax Parcel: 37,005-0072---000

Premises Being: 21 McClellan Drive, East Berlin, PA 17316-9312

SEIZED and taken into execution as the property of **Saranne McCullough** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-415 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Conewago Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING for a corner at a stone on the Northeastern side of the road leading to Gettysburg at lands now or formerly of Paul Rahn; thence along said road North 72 degrees West, 8.5 perches to a stone; thence along lands now or formerly of John Rahn, North 17-1/2 degrees East, 3.8 perches to a stake; thence along the same North 21-1/2 degrees West, 13.5 perches to a stone; thence North 81-1/2 degrees East, 7.5 perches to a stone; thence along lands now or formerly of Charles E. Klunk and lands now or formerly of Paul Rahn, aforesaid, South 24-1/2 degrees East, 17.15 perches to a stone; thence along lands now or formerly of Paul Rahn, South 30-1/2 degrees West, 5 perches to the point and place of BEGINNING.

UNDER and SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting the property.

TITLE SAID PREMISES IS VESTED IN Sara B. Topper, a single woman, by Deed from Chris C. Degasper, joined by his wife and Shelley L. Degasper, dated 06/01/2005, recorded 06/13/2005 in Book 4003, Page 82.

Tax Parcel: 08, K14-0061

Premises Being: 5500 Hanover Road, Hanover, PA 17331-9058

SEIZED and taken into execution as the property of **Sara B. Topper a/k/a Sara B. Rothenboef** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

9/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-575 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Arendtsville, Adams County, Pennsylvania, with the improvements thereon erected, known and numbered as 49 Gettysburg Street, being more particularly bounded and described as follows:

BEGINNING at an iron pin for, a corner on the West side of Gettysburg Street; thence running with said Street on said curb line, South 9 degrees East, 47 feet to a post on said curb line; thence running by lot now or formerly of Alice Schlosser, south 79-3/4 degrees West, 216.5 feet to a post; thence running by land of the same, North 4-1/2 degrees East, 63.5 feet to an iron pin; thence running by land now or formerly of William E. Wolff, North 84-1/4 degrees East, 204.8 feet to an iron pin on the aforesaid curb line, the place of BEGINNING. CONTAINING 42 Perches and 201 Square Feet.

TAX PARCEL #: 02-006-0082

PREMISES BEING: 49 Gettysburg Street, Arendtsville, PA 17303

SEIZED and taken into execution as the property of **Susan K. Fetter** & **Clark L. Fetter** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1640 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, together the improvements thereon erected, situate on the East side of Jacobs Street in the Borough of East Berlin, Adams County, Pennsylvania, being the Southern half of Lot #25 and all of Lots #26 and #27 on a plan of lots as laid out by Paul E. Jacobs, and being known and numbered as 210 Jacobs Street, more fully bounded and described as follows:

BEGINNING at a stake at the intersection of the east side of Jacobs Street with the north side of Walnut Street thence by Jacobs Street, North 22 degrees 50 minutes East, 131 feet to a stake on the center line of Lot #25; thence through the center of Lot #25, South 67 degrees 10 minutes East, 180 feet to a stake on the west side of a 20 foot alley; thence along the west side of said alley, South 22 degrees, 50 minutes West, 131 feet to a stake on the North side of Walnut Street; thence along the North side of Walnut Street, North 67 degrees 10 minutes West, 180 feet to the first mentioned stake on the east side of Jacobs Street, and the place of BEGINNING.

BEING the same which Genevieve I. Tate, widow, by her deed dated February 22, 1984 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 375 at page 393, sold and conveyed unto Robert A. Brodbeck and Patricia J. Rabine, as joint tenants with the right of survivorship, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Robert A. Brodbeck and Patricia J. Brodbeck, husband and wife, as tenants by the entireties by deed from Robert A. Brodbeck and Patricia J. Bine dated 9/26/1984 recorded 9/27/1984 in Deed Book 387 Page 449.

Being Parcel # 10-006-0052-000

BEING KNOWN AS: 210 Jacobs Street, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Robert A. Brodbeck, Patricia J. Brodbeck & United States** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in

accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-492 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land, situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a steel pin at Lot No. 41 on the hereinafter mentioned subdivision plan at the right-of-way line of Fox Run Terrace; thence along Lot No. 41 North forty-one (41) degrees sixteen (16) minutes three (3) seconds East three hundred thirty-three and two hundredths (333.02) feet to a steel pin at Lot No. 34 on the hereinafter mentioned subdivision plan; thence along Lot No. 34 South fifty-seven (57) degrees forty-three (43) minutes forty-three (43) seconds East one hundred twenty-five (125) feet to a steel pin at Lot No. 43 on the hereinafter mentioned subdivision plan; thence along Lot No. 43 South thirty-six (36) degrees fifty-three (53) minutes thirty-five (35) seconds West three hundred forty-two and ninety-eight hundredths (342.98) feet to a steel pin at the right-of-way line of Fox Run Terrace; thence along the right-of-way line of Fox Run Terrace North fifty-three (53) degrees six (6) minutes twenty-five (25) seconds West ninety-nine and sixty-two hundredths (99.62) feet to a steel pin; thence continuing along the right-of-way line of Fox Run Terrace by a curve to the right having a radius of one thousand four hundred seventy-five (1,475) feet, the long chord of which is North fifty-two (52) degrees seven (7) minutes forty-two (42) seconds (erroneously described in prior deed as forty) West with a chord length of fifty and thirty-eight hundredths (50.38) feet to a steel pin at Lot No. 41 aforesaid, the point and place of BEGINNING. CONTAINING 1.0636 acres. The foregoing property is Lot No. 42 on a final plan of Fox Run Estates,

Phase III, prepared for Mummert Enterprises, Inc., by Worley Surveying. The plan is dated November 11, 1993, and is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 64, page 41.

TITLE TO SAID PREMISES IS VESTED IN Connie L. Kraft by deed from Michael A. Abendschoen, unmarried and Leslie E. Abendschoen, unmarried, dated October 27, 2005 and recorded November 4, 2005 in Deed Book 4193, Page 29, Instrument # 200600023781.

TAX I.D. #: (41) K 17-0170-000

Being Known As: 1150 Fox Run Terrace, Hanover, PA 17340.

SEIZED and taken into execution as the property of **Connie L. Kraft** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-707 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Menallen Township, County of Adams, Pennsylvania bounded and described as follows to wit:

BEGINNING at an iron pin located North 74 degrees 14 minutes 10 seconds West, a distance of 25 feet from a reference pin in Township Road T-368; thence in said Township Road T-368, North 16 degrees 45 minutes East 324.10 feet to a railroad spike in the center line of Township Road T-368; thence continuing in said road, North 8 degrees 10 minutes 40 seconds East 42.61 feet to a railroad spike in the center line of Township Road T-368 at corner of land now or formerly of William Kane; thence by said lands, South 78 degrees East 100 feet to an iron pin; thence continuing along said lands, South 68 degrees 5 minutes 30 seconds East 186.85 feet (erroneously stated to be 168.85 feet in prior deed) to an iron pin at lands now or formerly of Robert E. Northern; thence by said lands, South 54 degrees 00 minutes 20 seconds East 120 feet to an iron pin at land now or formerly of Clair Showers; thence by said lands, South 4 degrees 53 minutes 20 seconds West 319.64 feet to an iron pin; thence continuing by the same, North 74 degrees 14 minutes 10 seconds West, 458.07 feet, passing through a reference pin set back 25 feet from the end of this course, to an iron pin in Township Road T-368, the place of BEGINNING, CONTAINING 3.469 Acres.

SUBJECT, NEVERTHELESS, to the following restrictions and covenants which shall be deemed to run with the land in perpetuity:

1. All structures placed on the lot herein conveyed shall be faced with brick, stone, vinyl, aluminum or wood siding.
2. No mobile homes or similar dwelling substitutes shall be permitted.
3. No dwelling shall be erected whose floor plan is less than 1,200 square feet, garage area not included.
4. No junk of any sort including uncensed vehicles unless garaged.

TITLE TO SAID PREMISES IS VESTED IN Michael R. Hockensmith, by Deed from Ricky R. Showers and Beverly A. Showers, h/w, dated 07/29/1999, recorded 07/30/1999 in Book 1884, Page 106.

Tax Parcel: 29, C06-0044C--000

Premises Being: 175 Boyds Hollow Road, Biglerville, PA 17307

SEIZED and taken into execution as the property of **Michael R. Hockensmith** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-317 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three lots of ground situate in Huntington Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

LOT NO. 1: BEGINNING at a stone in the Gettysburg Road (now State Road); thence along said road, North 9-3/4 degrees East, 3.2 perches to a stone in said road; thence by land now or formerly of A.W. Kuntz, South 72-3/4 degrees East, 6.3 perches to a stone; thence by land formerly of Robert A. Paxton, South 11-3/4 degrees West, 3.2 perches to a stone; thence by residue of Lot, North 72-1/4 degrees West, 6.3 perches to the place of BEGINNING, CONTAINING 20 perches, neat measure, more or less.

LOT NO. 2: BEGINNING at a post; thence by lands formerly of Amos A. Miller and Robert A. Paxton, North 12 degrees East, 9.4 perches to a stone; thence by land formerly of Anna Britcher, South 78 degrees East, 19.3 perches to a stone; thence by land now or formerly of Dr. May, South 12 degrees West, 9.9 perches to a post; thence by land formerly of P.W. Group, North 78 degrees West, 19.4 perches to the place of BEGINNING, CONTAINING 1 acre and 27 perches, neat measure, more or less.

LOT NO. 3: BEGINNING at an iron pin in the Gettysburg-Carlisle Highway; thence by lands now or formerly of Albert Paxton, South 71-1/2 degrees East, 92.4 feet to a post; thence by the same land South 12 degrees West, 106 feet to a post; thence by land now or formerly of Charles Miller, North 71-1/2 degrees West 92.4 feet to an iron pin in the said Gettysburg-Carlisle Highway; thence along said Highway, North 12 degrees East, 106 feet to the place of BEGINNING. CONTAINING 36 perches and 269 square feet, more or less.

HAVING THEREON erected a residence known and numbered as 3751 Carlisle Road, Gardners, PA 17324.

BEING the same premises which Larry M. Kuhn, widower, by his deed dated January 26, 2001, and recorded in the Adams County Recorder of Deeds Office at Record Book 2202, Page 0314, granted and conveyed onto Larry S. Kuhn and Kelley L. Kuhn, husband and wife.

TAX PARCEL: (22) G-03-0036

Premises Being: 3751 Carlisle Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Larry S. Kuhn & Kelley L. Kuhn** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-464 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING in the center line of Feeser Road (T-442) at corner of Lot No. 6; thence by Lot No. 6 South 74 degrees 30 minutes 10 seconds East 752.83 feet to a steel rod; thence by Lot No. 6 and Lot No. 5 North 31 degrees 23 minutes 45 seconds East 663.76 feet to a 14 inches Shagbark Hickory; thence by Lot No. 10 North 79 degrees 32 minutes 30 seconds East 264.51 feet to a steel rod; thence by same South 37 degrees 22 minutes 00 seconds East 52.44 feet to a 16 inches Swamp White Oak; thence continuing by same South 68 degrees 35 minutes 05 seconds West 111.62 feet to a 14 inches Shagbark Hickory; thence by same South 67 degrees 22 minutes 40 seconds East 228.30 feet to a 16 inches Shagbark Hickory; thence by same South 40 degrees 10 minutes 50 seconds East 69.58 feet to an 18 inches Hickory; thence by same North 26 degrees 01 minute 30 seconds East 65.74 feet to a steel rod; thence by same South 47 degrees 27 minutes 00 seconds East 124.93 feet to a steel rod; thence by same North 75 degrees 03 minutes 35 seconds East 148.32 feet to a steel rod; thence by same North 01 degrees 38 minutes 45 seconds East 67.18 feet to a 14 inches Swamp White Oak; thence by same North 70 degrees 27 minutes 00 seconds East 79.86 feet to a point in creek; thence by land now or formerly of Gregory Lang South 00 degrees 01 minute 20 seconds East 53.06 feet to an existing steel rod; thence by land now or formerly of National Tree Company South 24 degrees 01 minute 00 seconds West 193.56 feet to an existing steel rod; thence by land now or formerly of Ideldon Baum South 25 degrees 37 minutes 20 seconds West 448.95 feet to an existing steel rod; thence by same South 34 degrees 26 minutes 15 seconds West 155.81 feet to a steel rod; thence by Lot No. 9 North 74 degrees 30 minutes 10 seconds West 1,560.58 feet to a point in the center line of Feeser Road; thence in the center line of Feeser Road North 09 degrees 52 minutes 05 seconds East 50.24 feet to a point, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a Subdivision Plan dated September 23, 1996 and recorded February 19, 1997 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plat Book 70 at Page 71-A and designated as Lot No. 3.

TITLE SAID PREMISES IS VESTED IN Frank E. Walker and Patricia A. Walker, h/w, as tenants of an estate by the entireties, by Deed from Randy E. Smith and Bonnie S. Smith, h/w, dated 04/14/2000, recorded 05/01/2000, in Deed Book 2040, page 001.

Tax Parcel: 15-116-0072-000

Premises Being: 145 Feeser Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Frank E. Walker & Patricia A. Walker** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-487 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

The land referred to in this Commitment is described as follows:

ALL THAT CERTAIN parcel or tract of land situate in Latimore Township, Adams County, Pennsylvania, and described in accordance with a survey by Gerrit J. Betz, R.S., dated December 17, 1973, as follows, to wit:

BEGINNING at a point in the center line of Legislative Route 01008, a/k/a Franklin Church Road, 272.80 feet south of the center line of Legislative Route 01036, said point also being the northwest corner of premises described herein; thence North 68 degrees 30 minutes

East 209.15 feet to a point in the center line of Legislative Route 01036; thence along the center line of Legislative Route 01036, South 58 degrees 28 minutes 18 seconds East 155.90 feet to a point in said center line of Legislative Route 01036; and at the northeast corner of lands N/F of Clarence Sheaffer; thence along lands of the said Clarence Sheaffer, and lands N/F of Joel Greist, South 68 degrees 30 minutes West, 302.91 feet to a point in the center line of Legislative Route 01008; thence along the said center line, North 21 degrees 30 minutes West, 124.54 feet to a point, the Place of BEGINNING, HAVING THEREON erected a two story aluminum dwelling house and also a two car garage.

TITLE SAID PREMISES IS VESTED IN Randall C. Travitz, a married man, by Deed from Nina L. Lantz, formerly Nina L. Wolfe, a married woman, dated 06/03/2003, recorded 06/06/2003 in Book 3137, Page 25.

Tax Parcel: (23) K03--0016

Premises Being: 1230 Braggstown Road, Dillsburg, PA 17019-9201

SEIZED and taken into execution as the property of **Randall Travitz** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-468 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL these two tracts of land situate in the Village of Idaville, Huntingdon Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT #1:

BEGINNING at a stone at the eastern edge of an alley and at land now or formerly of Andrew Crist; thence by land of same, North 87-1/2 degrees East, 130 feet to an iron pin; thence by lands now or formerly of Catherine A. Myers and husband, South 3 degrees East, 87 feet to an iron pin, thence by lands of same, South 87 degrees West, 130 feet to an iron pin at the eastern edge of the aforesaid alley; thence by said alley, North 3 degrees West, 87 feet to a point, the place of BEGINNING.

TRACT #2:

BEGINNING at a point, which point is located at the Southeast corner of land now owned by Douglas W. Hailer, which beginning point is North 87 degrees 00 minutes 00 seconds East, 130.00 feet from a steel rod set on the easterly side of a 12 foot wide public alley at Lot No. 1 on the hereinafter recited plan; thence along said Hailer land, North 03 degrees 01 minutes 00 seconds East, 89.50 feet to a point at land now or formerly of Russel Yeagy; thence along said Yeagy land, North 85 degrees 53 minutes 50 seconds East, 34.42 feet to an existing steel rod at corner of land now or formerly of Keith Gingrich; thence along said Gingrich land, South 05 degrees 26 minutes 15 seconds East, 90.24 feet to a set concrete monument at corner of land now or formerly of Catherine Myers, being designated as Lot No. 1 on the hereinafter recited plan; thence along said Myers land, South 87 degrees 00 minutes 00 seconds West, 38.26 feet to the point and place of BEGINNING, CONTAINING 0.074 acres and being identified as No. 2 on the hereinafter recited plan.

TITLE SAID PREMISES IS VESTED IN Kenneth L. Weyant and Rosetta K. Weyant, h/w, by Deed from Douglas W. Hailer and Anne L. Hailer, h/w, dated 11/26/2002, recorded 12/30/2002 in Book 2924, Page 222.

Tax Parcel: (22) G03-0076

Premises Being: 14 Idaville York Springs Road, Idaville, PA 17324

SEIZED and taken into execution as the property of **Kenneth Weyant & Rosetta K. Weyant** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-867 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 827 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds in and for Adams County in Misc Deed Book 1, page 5, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER with the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation areas, and other public areas, as shown on the said plot, and the right in common with the other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successor or assigns.

UNDER AND SUBJECT to the restrictions, conditions and agreement set forth at length in deed of Lake Meade, Inc. to the grantors herein, referred to above.

HAVING thereon erected a dwelling house known as: 397 Lake Meade Drive, East Berlin, PA 17316.

BEING THE SAME PREMISES WHICH Robert W. Snyder and Linda S.

Snyder, by Deed dated 6/30/00 and recorded 7/25/00 in Adams County Deed Book 2093, Page 56, granted and conveyed unto Gary Zittle.

SEIZED IN EXECUTION AS THE PROPERTY OF GARY D. ZITTLE UNDER ADAMS COUNTY JUDGMENT NO. 03-S-867

MAP & PARCEL 37-10-56

PREMISES BEING: 397 Lake Meade Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Gary D. Zittle** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1268 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Oxford Township, City of New Oxford, County of Adams, Commonwealth of Pennsylvania.

BEGINNING at a point on the Eastern edge of a 50 foot wide street and the Southernmost corner of Lot No. 27; thence by said Lot No. 27, North 33 degrees, 01 minutes, 49 seconds East 276.83 feet to a point on line of land now or formerly of Michael Sanders; thence by said land of Michael Sanders and by other land now or formerly of George Graft, South 54 degrees, 33 minutes, 42 seconds East 107 feet to a point at corner Lot No. 29; thence by said Lot No. 29, South 33 degrees, 16 minutes, 52 seconds West 270.85 feet to a point on the Eastern edge of a 50 foot wide street aforesaid; thence along the Eastern edge of said Street on a curve to the right, having a radius of 1,711.53 feet, an arc distance of 82.82 feet, and a bearing and chord distance of North 58 degrees, 21 minutes, 10 seconds West, 82.81 feet to a point; thence continuing by same, North 56 degrees, 58 minutes, 11 seconds West, 37.38 feet to a point at the Southern corner of Lot No. 27, the place of beginning, Containing 31,079 square feet.

BEING known as 90 Croft Drive, New Oxford, PA 17350

BEING the same premises which Laurena A. Weaver, formerly known as Laurena A. Reese and Michael N. Weaver, by Deed dated 3/20/2001 and recorded 3/22/01 in and for the County of Adams, Commonwealth of Pennsylvania, in Deed Book 2236 Page 247, granted and conveyed unto Michael N. Weaver and Laurena A. Weaver, Husband and Wife, in fee.

TAX PARCEL# (35) J12-0125

SEIZED and taken into execution as the property of **Laurena Ann Weaver & Michael N. Weaver** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/18, 25 & 10/2

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—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Tuesday, October 6, 2009 at 9:00 a.m.

DOWNIN—Orphan's Court Action Number – OC-91-2009. The First and Final Account of Joel E. Downin, Executor of the Estate of Lonnie L. Downin, Jr., late of the Borough of New Oxford, Adams County, Pennsylvania, deceased.

DOUGHERTY—Orphan's Court Action Number – OC-93-2009. The First and Final Account of Leona Lee Shoop Benner, Administratrix of the Estate of Nancy L. Dougherty, late of the Borough of Littlestown, Adams County, Pennsylvania, deceased.

SHULL—Orphan's Court Action Number – OC-97-2009. The First and Final Account of PNC Bank, NA, Executor of the Estate of Betty V. Shull, late of the Borough of York Springs, Adams County, Pennsylvania, deceased.

CARVER—Orphan's Court Action Number – OC-98-2009. The First and Final Account of Adams County National Bank, Executor of the Estate of Ronald J. Carver, late of the Borough of Gettysburg, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

9/25 & 10/2

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION
NO. 2009-S-911
Action to Quiet Title

JEMEZ, LLC, Plaintiff

vs.

CHRISTIAN S. MONSOD and SOLITA C. MONSOD, husband and wife, Defendants
TO: Christian S. Monsod and Solita C. Monsod, husband and wife, and their respective executors, heirs, successors and assigns

DATE OF NOTICE: September 21, 2009

IMPORTANT NOTICE

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

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

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

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

/S/Richard E. Thrasher, Esq.
Attorney for Plaintiffs
220 Baltimore Street
Gettysburg, PA 17325
(717)334-2159

Dated: September 21, 2009

9/25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-564 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that tract of land situate, lying and being in Oxford Township, Adams County, bounded and described as follows:

BEGINNING at a point in Storms Store Road (T-428) thence running in said right-of-way line of Storms Store Road, North thirty-five (35) degrees thirty (30) minutes twenty-four (24) seconds West, twenty-five and zero hundredths (25.00) feet to a point on the right-of-way line of Storms Store Road (T-428) at Lot No. 13 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 13, North thirty-five (35) degrees thirty (30) minutes twenty-four (24) seconds West, two hundred eight and sixty-one hundredths (208.61) feet to a point at Lots No. 20 and 21 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 20, North fifty-four (54) degrees twenty-nine (29) minutes thirty-six (36) seconds East, one hundred twenty and zero hundredths (120.00) feet to a point at Lots No. 15 and 19 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 15, South thirty-five (35) degrees thirty (30) minutes twenty-four (24) seconds East, two hundred thirty-five and zero hundredths (235.00) feet to a point on the dedicated right-of-way line of Storms Store Road (T-428); thence running through said right-of-way line South thirty-five (35) degrees thirty (30) minutes twenty-four (24) seconds East, twenty-five and zero hundredths (25.00) feet to a point in Storms Store Road (T-428); thence running in said Storms Store Road (T-428) South fifty-four (54) degrees twenty-nine (29) minutes thirty-six (36) seconds West, one hundred twenty and zero hundredths (120.00) feet to a point at Lot No. 13, the point and place of BEGINNING.

SUBJECT, nevertheless, to the protective covenants of Simme Valley which are recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 2866 at Page 277.

UNDER AND SUBJECT, nevertheless, to any easements, building setback lines, restrictions, notes, covenants and conditions as may be shown on the aforesaid subdivision plan of Simme Valley Estates, Phase 1, recorded in Adams County Plan Book 80 Page 84 CONTAINING 28,200 square feet.

TITLE TO SAID PREMISES IS VESTED IN Michael F. Adams and Crystal A. Adams, h/w, as tenants by the entireties, by deed from Simme Valley L.P., a Pennsylvania Limited Partnership and New Age Associates, Inc., a Pennsylvania corporation, dated 07/16/2004, recorded 07/21/2004 in Book 3646, Page 306.

Tax Parcel: 35.J12-0200-000

Premises Being: 2132 Storms Store Road, New Oxford, PA 17350-8434

SEIZED and taken into execution as the property of **Michael E. Adams & Crystal A. Adams** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/25, 10/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1091 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, situate in Huntington Township, Adams County, Pennsylvania, being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point in or near the centerline of Ridge Road, a/k/a Township Route No. T-568; thence leaving said roadway and extending along Lot No. 2 of the hereinafter referred to subdivision plan; North 53 degrees 08 minutes 47 seconds West 369.27 feet to a rebar at lands N/F of Robert M. Wolfe; thence along the last mentioned lands North 35 degrees 47 minutes 01 seconds East 456.82 feet to a steel pin at lands N/F of James C. Behney; thence along the last mentioned lands South 52 degrees 53 minutes 6 seconds East 372.04 feet to a point in or near the centerline of Ridge Road, a/k/a Township Route T-568;

thence in and along said last mentioned roadway South 36 degrees 07 minutes 40 seconds West 455.08 feet to the point and place of BEGINNING.

BEING designated as Lot No. 3 and a Final Subdivision Plan for Leonard D. and Joan V. Nelson dated February 10, 1981, as prepared by John R. Williams, R.S. Said Plan is recorded in Adams County Records in Plat Book 35, Page 34.

UNDER AND SUBJECT, NEVERTHELESS, to conditions, restrictions, easements and rights-of-way of record.

TITLE TO SAID PREMISES IS VESTED IN Michael T. Atwell and Nancy L. Atwell by deed from Harold E. Friedline and Alice F. Friedline, husband and wife, as tenants by the entireties dated April 6, 2007 and recorded April 9, 2007 in Deed Book 4796, Page 114, Instrument #2007000083 82.

TAX ID. 4: 22-105-0044A-000

Being known as: 100 South Ridge Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **Michael T. Atwell & Nancy L. Atwell** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/25, 10/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-533 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property in the Franklin Township, County of Adams and Commonwealth of Pennsylvania, Parcel ID # B12-0006A, being more fully described in Deed dated February 28, 2001, and recorded March 1, 2001, in the land records of the County and State set forth above, in Deed Book 2221, page 126.

BEGINNING at a rebar in the centerline of Poplar Springs Road T-351 at Lot No. 1 on the hereinafter recited draft; thence by said lot and through a reference rebar set back 291.34 feet on the line South 32 degrees 27 minutes 30 seconds East 655.73 feet to stones at lands now or formerly of Kenneth Baumgardner; thence by said lands North 80 degrees 16 minutes 35 seconds West 795.48 feet to a steel rod in stump; thence continuing by said lands North 30 degrees 22 minutes 55 seconds East 213.80 feet to stones; thence continuing by said lands and through a reference steel rod set back 30.10 feet from the end of this course North 43 degrees 39 minutes 15 seconds West 73.83 feet to a point in the centerline of said Poplar Springs Road T-351; thence in said Poplar Springs Road North 80 degrees 57 minutes 10 seconds East 94.18 feet to a point in the centerline of said Poplar Springs Road; thence continuing in said Poplar Springs Road North 81 degrees 24 minutes 35 seconds East 58.94 feet to a point in the centerline of said Poplar Springs Road; thence continuing in said Poplar Springs Road by a curve to the left the radius of which is 234.02 feet for an arc distance of 146.79 feet and having a chord bearing and distance of North 63 degrees 26 minutes 25 seconds East 144.40 feet to a point in the centerline of said Poplar Springs Road; thence continuing in said Poplar Springs Road North 45 degrees 28 minutes 15 seconds East 132.08 feet to the place of BEGINNING.

SUBJECT TO THE Declaration of restrictions, reservations, conditions and protective covenants dated January 11, 1993, and recorded in ADAMS COUNTY RECORD BOOK 696 at page 37.

TITLE TO SAID PREMISES IS VESTED IN Thane Farace, by Deed from Brian K. Lacks and Kellan K. Lacks, h/w, dated 02/28/2001, recorded 03/01/2001 in Book 2221, Page 126.

Tax Parcel: 12, B12-0006A--000

Premises Being: 1170 Poplar Springs Road, Orrtanna, PA 17353-9440

SEIZED and taken into execution as the property of **Thane Farace** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/25, 10/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-144 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point along the right-of-way line of Saratoga Court, a sixty (60) feet wide right-of-way, and corner of Lot No. 42 on the hereinafter referred to subdivision plan; thence among Lot No. 42, North twenty-five (25) degrees forty-seven (47) minutes nine (09) seconds East, one hundred forty-two and thirty hundredths (142.30) feet to a point at Lot No. 67 and Lot No. 68, South forty-one (41) degrees twenty-three (23) minutes eight (08) seconds East, one hundred thirty-eight and eighty-eight (138.88) feet to a point at Lot No. 40, South forty-eight (48) degrees thirty-six (36) minutes fifty-two (52) seconds West, one hundred fifty (150.00) feet to a point on the right-of-way line of Saratoga Court, aforesaid; thence along Saratoga Court the following three courses and distances: [1] North forty-one (41) degrees twenty-three (23) minutes eight (08) seconds West, thirteen and fifty hundredths (13.50) feet to a point; [2] by a curve to the right having a radius of twelve (12.00) feet, the

long chord bearing and distance of which is North sixteen (16) degrees thirty (30) minutes forty-two (42) seconds West, which is North sixteen (16) degrees thirty (30) minutes forty-two (42) seconds West, ten and nine hundredths (10.09) feet for an arc distance of ten and forty-two hundredths (10.42) feet to a point; and [3] by a curve to the left having a radius of fifty-three (53.00) feet, the Long Chord bearing and distance of which is North twenty-seven (27) degrees fifty-five (55) minutes thirty-four (34) seconds West, sixty-two and seventy-four hundredths (62.74) feet to a point at Lot No. 42, the point and place of BEGINNING. (CONTAINING 15,016 square feet and designated as Lot No. 41 on Final Subdivision Plan for Allwood Manor, Phase II, prepared by Group Hanover, Inc., designated as Project No. 892004, dated October 21, 1994; revised February 7, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 76, Page 49).

TITLE TO SAID PREMISES IS VESTED IN Sandra Argueta-Frazier and George M. Frazier, Jr. by deed from Andrew G. Stabler and Jenny A. Stabler, his wife, dated February 24, 2006 and recorded March 3, 2006 in Deed Book 4332, Page 22.

Instrument 200600004347.

TAX ID.: 08-036-0027-000

Being known as: 25 Saratoga Court, Hanover, PA 17331

SEIZED and taken into execution as the property of **George M. Frazier & Sandra Argueta-Frazier** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/25, 10/2 & 9

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 ELIZABETH J. IRVIN, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: David W. Irvin, 1602 Tulane, Richardson, TX 75081

ESTATE OF CLYDE D. LADY, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Douglas V. Lady, 1017 Teakwood Lane, Enola, PA 17025

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF MARJORIE HALL SAMWORTH, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Herbert Lee Samworth, 2317 Majestic Court, Chambersburg, PA 17202

ESTATE OF F. JEAN SELL a/k/a F. JEAN ALBRIGHT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Charlotte A. Wilt, 141 Madara Drive, Hanover, PA 17331

Attorney: Elyse E. Rogers, Esq., Keefer Wood Allen & Rahal LLP, 635 North 12th Street, Suite 400, Lemoyne, PA 17043

SECOND PUBLICATION**ESTATE OF JUNE E. EISENBERGER, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: 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 MARIE L. MELLOTT, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Co-Executors: Denise K. Smith, Doreen L. Byers & Darren G. Mellott, c/o Stephen L. Bloom, Esq., Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013

Attorney: Stephen L. Bloom, Esq., Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013

ESTATE OF DOROTHY A. RALSON a/k/a DOROTHY ANN RALSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Lesley L. Ralson, 58 York Street, Gettysburg, PA 17325

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

ESTATE OF RALPH E. SCHILDT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Charlene A. Leatherman, Larry S. Schildt & Jane C. Baugher, c/o Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

ESTATE OF JAMES E. SMITH, JR., DEC'D

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

Executrix: Karen L. Smith, P.O. Box 641, Fairfield, PA 17320

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

THIRD PUBLICATION**ESTATE OF RUTH R. FUNK a/k/a RUTH ELIZABETH FUNK, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Charles Rowland Funk, 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 ROBERT J. KALAS, SR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Alida D. Kalas, 115 E. Lincoln Ave., Gettysburg, PA 17325

ESTATE OF NANCY L. KLINEFELTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Judy C. Wentz, 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 CORA B. KOONTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Fred O. Koontz, 3113 Park Road, Harrisburg, PA 17111

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

ESTATE OF THELMA V. SMITH, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Vaughn W. Smith, Jr., 66 Asper North Rd., Aspers, PA 17304

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

ESTATE OF THERON BURNELL UNGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, Successor to Bank of Hanover & Trust Co.

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-965 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of October, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in the Southwest side of Legislative Route No. 01061, in Oxford Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a point in a concrete wall situate on the Southwest side of Legislative Route aforesaid at other lands of Lester B. Rider; thence along the Southwest side of Legislative Route, South fifty-two (52) degrees ten (10) minutes forty-six (46) seconds East, forty-two and fifty hundredths (42.50) feet to a steel pin on the Southwest side of said Legislative Route at other lands of Edward A. Storm and; thence by lands of Edward A. Storm and Blanche M. Storm South eighteen (18) degrees three (03) minutes fifty-six (56) seconds West, one hundred seventy-six and sixty-four hundredths (176.64) feet to a steel pin; thence continuing by lands of same South sixty-six (66) degrees fifty-eight (58) minutes East ninety-one and fifty-five hundredths (91.55) feet to a steel pin at lands of Richard N. Kuhn; thence by lands of Richard N. Kuhn, South twenty-eight (28) degrees West one hundred eighty-three and thirty-five hundredths (183.35) feet to a steel pin; thence continuing by lands of Richard N. Kuhn and lands of John L. Staub, Jr. South sixty-three degrees (63) degrees fifty (50) minutes twenty-two (22) seconds East one hundred sixty-one and seventy hundredths (161.70) feet to a steel pin at post at lands of Henry E. Kiser, South thirty (30) degrees West, one hundred fifty-seven and fifty hundredths (157.50) feet to a steel pin at lands of David M. Schriver and Suzanne M. Schriver; thence by lands of same North sixty-eight (68) degrees nineteen (19) minutes fifty-six (56) seconds West two hundred twenty-seven and fifty-three hundredths (227.53) feet to a steel pin at other lands of Conway J. Detinburn and Nadine M. Detinburn; thence by other lands of Conway J. Detinburn and Nadine M. Detinburn and lands of Lester E. Rider, North eighteen (18) degrees three (03) minutes fifty-six (56) seconds East six hundred fifty-seven and fifty-one hundredths (657.51) feet to a steel pin in concrete wall on the Southwest side of Legislative Route 01061, the place of BEGINNING. CONTAINING 1.5804 acres.

The foregoing description was taken from a draft of survey prepared for Conway J. Detinburn, by J.H. Rife, R.E., dated April 10, 1973, as recorded in Adams County Plat Book 2, at page 63, and identified thereon as Lot No. 1 SUB-JECT, NEVERTHELESS, to the following restrictions which shall be in the nature of covenants running with the land and be binding upon the Grantees herein, and their heirs and assigns forever;

1. That the lot of ground herein conveyed shall be used for residential purposes for no more than a one-family residence.
2. No mobile home, trailer, basement, tent, shack, Garage, barn or other out-buildings erected on the lot, shall be used at any time as a residence, either temporary or permanent, nor shall any residence or occupancy of a temporary character be permitted.
3. That the lot of ground herein conveyed shall not be used as a storage place for junk, junked automotive parts, junked care or industrial or domestic waste matters or debris.

TOGETHER WITH AND SUBJECT TO the free and uninterrupted use, liberty and privilege of and passage in, along, upon, over and out of a certain forty (40) foot right-of-way for and an means of ingress, egress and regress from the lot of ground hereinabove described unto the Southwestern side of Legislative Route of 01061 aforesaid, said right-of-way being to the Eastern side of the hereinafter described meets and bounds; BEGINNING at a post in the concrete wall on the Southwest side of Legislative Route 01061 at the lands of Lester E. Rider, thence by lands of Lester E. Rider and Conway Detinburn and Nadine M. Detinburn, South eighteen (18) degrees three (03) minutes fifty-six (56) seconds West six hundred fifty-seven and fifty-one hundredths (657.51) feet to a steel pin; thence continuing by lands of Conway J. Detinburn and Nadine M. Detinburn, South twenty-four (24) degrees fifty-four (54) minutes thirty-two (32) seconds West, ninety-four and eight hundredths (94.08) feet to a steel pin at the North corner of Lot No. 3, now owned by Daniel R. Detinburn and Judith K. Detinburn; husband and wife; being for the use of the said Grantors and their heirs and assigns. Their tenants and under tenants, occupiers and possessors, of the said tract of land above described and continuous with the western side of this forty (40) foot right-of-way at all times and seasons forever hereinafter, in common with them, the said Grantors, and their heirs and assigns, tenants and occupiers of the said _____ and lot of ground adjacent to said forty (40) feet right-of-way; EXPRESSLY EXCEPTING AND RESERVING unto the said Grantors and their heirs and assigns, the full right,

liberty and privilege at all times hereinafter forever, to have the use of the forty (40) feet right-of-way hereinabove mentioned for the use and benefit of the other land over which the same traverses and other lands owned by the Grantors to the Western, side of said right-of-way; EXPRESSLY EXCEPTING AND RESERVING the right-of-way heretofore granted unto Daniel R. Detinburn and Judith A. Detinburn, husband and wife, and their heirs and assigns, by deed dated April 17, 1973, and recorded in the Adams County Deed Book 306, page 100; and EXPRESSLY EXCEPTING AND RESERVING the right-of-way heretofore granted unto David M. Schriver and Suzanne M. Schriver, husband and wife, and their heirs and assigns, by Deed dated June 28, 1973, and recorded in Adams County Deed Book 107, page 1013.

BEING THE SAME PREMISES which James A. Tyler and Anne M. Tyler, husband and wife, by Deed dated April 24, 1984, in the Office for the Recorder of Deeds in and for the County of Adams, in Deed Book 378 Page 559, granted and conveyed unto the Michael S. Krichten and Doris M. Krichten, husband and wife, in fee.

TAX PARCEL (28) 005-00699

PREMISES BEING: 450 Mount Misery Road, New Oxford, PA 17350 (Formerly) NOW KNOWN AS: 50 Daniel Lane, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Michael S. Krichten & Doris M. Krichten** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

9/25, 10/2 & 9