

Adams County Legal Journal

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IN THIS ISSUE

HALL VS. PHILLIPS

This opinion continued from last issue (10/1/2010)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-340 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-340

US BANK NATION ASSOCIATION
vs.

ANGELA D. BUBCZYK & ANTHONY V.
BUBCZYK a/k/a ANTHONY V.
BUBCZYK JR. & LARRY A.
BOLLINGER a/k/a LARRY A.
BOLLINGER

47 GETTYSBURG COURT
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 014-0021-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$205,022.12

Attorneys for Plaintiff
SHAPIRO & DENARDO, LLC

SEIZED and taken into execution as the property of **Angela D. Bubczyk & Anthony V. Bubczyk a/k/a Anthony V. Bubczyk, Jr.** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-824 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-824

PNC MORTGAGE
vs.

ALISON ANDERSON &
ROBERT J. ANDERSON

127 JANET TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-028-0072-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$277,754.00

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Alison Anderson & Robert J. Anderson** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-840 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-840

HSBC MORTGAGE CORPORATION
vs.

THOMAS CAREY

1044 NORTH BROWNS DAM DRIVE
NEW OXFORD, PA 17350
READING TOWNSHIP

Parcel No.: 36 K08-0009-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,672.13

Attorneys for Plaintiff
UDREN LAW OFFICES P.C.

SEIZED and taken into execution as the property of **Thomas Carey** 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 December 10, 2010, 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 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.

10/8, 15 & 22

DISCUSSION

Summary judgment is granted whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense and the moving party is entitled to judgment as a matter of law. Pa.R.C.P. 1035.2; *Wolloch v. Aiken*, 815 A.2d 594, 595 (Pa. 2002), *Harber Philadelphia Center City Office Ltd. v. LPCI Ltd. P'ship*, LCCO, 764 A.2d 1100, 1103 (Pa. Super. 2000). The purpose of Rule 1035.2 is to eliminate cases prior to trial where a party cannot make out a claim or defense after discovery has been completed. *Wolloch*, 815 A.2d at 596. The party moving for summary judgment has the burden of proving that there is no genuine issue of material fact. *Citicorp Mortgage, Inc. v. Morrisville Hampton Vill. Realty Ltd. P'ship*, 662 A.2d 1120, 1122 (Pa. Super. 1995). This Court must resolve all doubts against the moving party and examine the record in a light most favorable to the non-moving party. *Id.* Summary judgment is proper where the pleadings, depositions, answers to interrogatories, admissions and affidavits and other materials demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Flannery v. Stump*, 786 A.2d 255, 257 (Pa. Super. 2001).

Adverse possession can only be awarded when the party can prove it had actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land in question for 21 years. *Conneaut Lake Park, Inc. v. Klingensmith*, 66 A.2d 828, 829 (1949). Each of these elements must exist for possession to confer title. *Id.* Possession is hostile when a person claiming adverse possession enters and remains on the land without permission of the true owner.

When possession is permissive, it is not hostile, and therefore does not support a claim for adverse possession. *Lehmann v. Keller*, 684 A.2d 618, 620 (Pa. Super. 1996). "Adverse possession is an extraordinary doctrine which permits one to achieve ownership of another's property by operation of law. Accordingly, the grant of this extraordinary privilege should be based upon clear evidence." *Stump*, 786 A.2d at 258. "An adverse possessor must intend to hold the land for himself, and that intention must be made manifest by his acts...He must keep his flag flying and present a hostile front to all adverse possessors." *Klos v. Molenda*, 513 A.2d 490, 492 (Pa. Super. 1986) (citations omitted).

Courts have held that “[w]hile the word ‘hostile’ has been held not to mean ill will or hostility, it does imply the intent to hold title against the record title holder.” *Tioga Coal Co. v. Supermarkets General Corporation*, 546 A.2d 1, 3 (Pa. 1988). The *Tioga* Court held “that if the true owner has not ejected the interloper within the time allotted for an action in ejectment, and all other elements of adverse possession have been established, hostility will be implied, regardless of the subjective state of mind of the trespasser.” *Id.* at 5.

A claimant’s possession of the property may be hostile even where he believes, by virtue of mutual mistake, that he owns the land. *Schlagel v. Lonbardi*, 486 A.2d 491, 194 (Pa. Super. 1984).

However, *Tioga* can not be interpreted as disposing of the element of hostility. *Flannery v. Stump*, 786 A.2d 255, 258 (Pa. Super. 2007). “The element of hostility requires that the court examine not just the physical facts of possession but also the evidence, if any, probative of intent with which the land in question was possessed.” *Id.* at 259. Possession cannot be hostile where it is permissive. *Sutton v. Miller*, 592 A.2d 83, 90 (Pa. Super. 1991). The elements of adverse possession and the issue of permissive use are questions of fact. *Id.*

The first issue for resolution is whether there is any genuine question of fact that Plaintiffs have established the elements necessary for adverse possession. This determination hinges on whether the Schmitts’ original entry was permissive because the only element of adverse possession seemingly challenged here is that related to hostility. Defendants contend that the original entry by the Schmitts is presumed permissive and, therefore, not hostile, and that this presumption created a legal license which only expired upon the conveyance of the property to Defendants in 1990.

Legal presumptions are “either (1) a procedural expedient, or (2) a rule of proof production based upon the comparative availability of material evidence to the respective parties, or (3) a conclusion firmly based upon the generally known results of wide human experience, or (4) a combination of (1) and (3).” *Rich Hill Coal Co. v. Bashore*, 7 A.2d 302, 314 (Pa. 1939). A presumption arising from human experience cannot be supported in a particular case if the facts upon which the presumption arises are not present.

There is authority, cited by Defendants, holding that a use is presumed permissive in a variety of situations involving familial or

fiduciary relationships. *Waltmyer v. Smith*, 556 A.2d 912, 914 (Pa. Super. 1989). That case cited, as examples, the relationships of grantor/grantee (*Ingles v. Ingles*, 24 A. 677 (Pa. 1892)), executor/heirs (*Appeal of Norris*, 71 Pa. 106 (1872)), family (*Clark v. Trindle*, 52 Pa. 492 (1866)), agent/principal (*Martin v. Jackson*, 27 Pa. 504 (1856)), co-heirs (*Hart v. Gregg*, 10 Watts 185 (Pa. 1849)), vendor/vendee (*Union Canal Co. v. Young*, 1 Wh. 410 (Pa. 1836)), and bailor/bailee (*Priester v. Milleman*, 55 A.2d 540 (Pa. Super. 1947)).⁶ Defendants suggest that there was a special relationship that existed between the Schmitts and Staleys from which one can presume that the entry was permissive.

Upon careful review of the evidence presented to date, it is clear that a legally recognized special relationship did not exist in this case which would support an argument that the entry upon Lot 534 was presumptively permissive. As noted, Defendants claim that Elliot Staley, et. ux., became legal owners of No. 576 in 1941 and equitable owners of No. 534 in 1954. Elliott et. ux. transferred title to the Schmitts on September 9, 1954, and several weeks later on October 20, 1954, Elliot et. ux became legal owners of No. 534. Defendants suggest that because of the Staleys' common ownership of both lots their conveyance of No. 576 to the Schmitts created one of those special relationships from which one can presume that the Schmitts' entry on to No. 534 was permissive.

I disagree. It is not the mere fact that parties are in a relationship of grantor and grantee that sets the stage for a presumption of permissive use, but rather the act of the grantor in maintaining use of the property after conveyance in certain circumstances. This is illustrated in *Ingles*, supra. There Ingles purchased property in 1838 and occupied it continuously until his death in 1884. In 1853 he executed a deed to the property to his son, George. When Ingles died his will conveyed a life estate in the property to his wife and thereafter to his son, Hamilton. Plaintiffs, the heirs of George, brought suit to eject Hamilton from the property. In finding for George's heirs the Court wrote:

⁶Of course, "when no special relationship exists between the parties, a sufficiently notorious use will be presumed to be enough to alert the owner of the land to an adverse claim, and it will be incumbent upon the owner of the land to establish the alleged permissive use." *Id.*

a vendor, after conveyance and delivery of possession, is to be regarded as a trustee for the vendee, so far as regards the possession, just as he was a trustee of the title before conveyance. If he wishes to change the character of the possession, he must manifest his intention by some act of hostility to the title of his vendee, plainly indicating to the latter the intention to deny his right, and to hold adversely to it...This well-established rule applies with special force between a father and his son. In such instances it is not unusual for the vendee to leave the vendor in possession for an indefinite period, or for life. Such transactions are often arrangements to suit the family convenience. The possession of the vendor is the possession of the vendee, and until some unequivocal act is done by the vendor, the knowledge of which is brought home to the vendee, tending to show that the former holds adversely, no question of the statute of limitations can arise. (citation omitted).

Id. at 401.

Here, unlike in *Ingles*, the grantors (the Staleys) did not remain upon the property by presumed permission of the grantees (the Schmitts), rather it was the grantees that allegedly openly entered upon the land of the grantors contrary to grantors' ownership interest. We do not believe human experience leads to the creation of a presumption that would allow a grantee, after conveyance to him of one parcel (No. 576), to be presumed to have made non-hostile entry upon a separate parcel (No. 534) of the grantor merely because, as to the first parcel, they had a grantor-grantee relationship. However, this is exactly what Defendants propose. Instead, to even consider the possibility, something more must be present in the relationship than has been revealed sub judice.

An issue not raised by the parties, but of paramount importance to this case, is the issue of tacking of possession. One element of adverse possession is continuous possession throughout the 21-year period. Plaintiffs have only owned No. 576 since 2000. In order to meet the 21-year statutory period Plaintiffs must be able to show successive possession of the disputed triangular portion for 21 years with the Schmitts. To do so, Plaintiffs must be able to tack their possession

with that of the Schmitts. *Fred E. Young, Inc. v. Brush Mountain Sportsmen's Association*, 697 A.2d 984, 990 (Pa. Super. 1997).

For possession to be tacked in order to establish continuous possession there must be privity between successive occupants of property. *Id.*

Privity refers to a succession of relationship to the same thing, whether created by deed or other acts or by operation of law. But a deed does not itself create privity between the grantor and the grantee as to land described in the deed but occupied by the grantor in connection therewith, although the grantee enters into possession of the land and uses it in connection with that conveyed...Acceptance of a deed describing boundary lines confines the premises conveyed to the area within the boundaries, and such a deed does not convey inchoate rights acquired by incompleted adverse possession. Each predecessor must have claimed title to the property in dispute, and in purported to include it.

Id. at 990-91. Even in situations where a grantor has met the 21-year statutory period for adverse possession, the deed conveying the land needs to reference the disputed parcel in its description of the land conveyed. *Moore v. Duncan*, 687 A.2d 822, 829 (Pa. Super. 1996).

On initial glance, this would seem to suggest that Plaintiffs cannot establish continuous possession. However, in their Response to Brief of Plaintiffs in Support of Plaintiff's Countermotion for Summary Judgment, Defendants acknowledge "[i]f Defendants in the instant action, who purchased their property in May 1990, failed to assert their rights until 2011...Defendants would properly lose this case." **(Defendants' Response Pg. 3)**. This statement by Defendants is an acknowledgement that Plaintiffs, who purchased in 2000, would be able to tack their possession with that of a previous landowner in order to meet the 21-year statutory period for adverse possession.

The next issue to address is the applicability of the consentable lines doctrine to the matter at hand. Initially, Defendants argue that Plaintiffs cannot raise this issue for the first time during a summary judgment proceeding because it was not raised in the initial pleading.

A new cause of action cannot be raised for the first time in the response to a summary judgment motion. *DeRitis v. City of*

Philadelphia, 582 A.2d 738, 741 (Pa. Commw. 1990). “A party raises a new cause of action where there exist no specific facts alleged in the complaint regarding a theory which the party raises at a later stage in the proceeding.” *Id.* (citing *Bendas v. Township of White Deer*, 569 A.2d 1000 (Pa. Commw. 1990) (overruled on other grounds)). “A party raises a new cause of action if it rests on a different theory, basis for recovery, or relationship between the parties than did the original pleading.” *Id.* (citing *Shaffer v. Pennsylvania Assigned Claims Plan Ins. Co.*, 518 A.2d 1213 (Pa. Super 1986)).

Superior Court has stated that “the doctrine of consentable lines has emerged as a separate and distinct theory from that of traditional adverse possession.” *Niles v. Fall Creek Hunting Club, Inc.*, 545 A.2d 926, 930 (Pa. Super. 1988). However, as Plaintiffs point out, a more recent Superior Court decision found that the doctrinal roots of consentable lines by acquiescence are grounded in adverse possession theory. *Zeglin v. Gahagen*, 812 A.2d 558, 561-61 (Pa. Super. 2002). “Decisions involving acquiescence are frequently distinguishable from adverse possession cases only in that possession in the former are often based on a mistake as to the location of property lines.” *Id.* at 562. Accordingly, it cannot be said that Plaintiffs are relying on a different theory than that relied upon in the Complaint.

The next issue is whether the consentable lines doctrine applies here. “The doctrine of consentable line is a rule of repose for the purpose of quieting title and discouraging confusing and vexatious litigation.” *Corbin v. Cowan*, 716 A.2d 614, 617 (Pa. Super. 1998). There are two ways to prove a binding consentable line: by dispute and compromise, or by recognition and acquiescence. *Id.* Recognition and acquiescence would be applicable here.⁷ It requires: 1) a finding that each party has claimed the land on his side of the line as his own; and 2) a finding that this occupation has occurred for the statutory period of twenty-one years. *Id.* When dealing with subsequent landowners, privity of possession is required in order to tack the time period in claims brought under acquiescence. *Zeglin v. Gahagen*, 812 A.2d 558, 566 (Pa. 2002).⁸

⁷Dispute and compromise requires there to be a dispute over a boundary line and a compromise between the parties as to the appropriate location of the line. *Jedlicka v. Clemmer*, 677 A.2d 1232 (Pa. Super. 1996).

⁸Defendants acknowledge that the tacking element has been met. (**Defendant’s Brief Pg. 9**).

Just as in adverse possession, the element of hostility is necessary to a finding of recognition and acquiescence. See, *Id.* at 562 n.5. Defendants premise their argument against a finding of acquiescence on the same theory of permissive use that was advanced in support of their claim against adverse possession. That theory has already been addressed above.

In *Jedlicka*, Superior Court addressed a boundary dispute between the Clemmers and Jedlickas. The dispute was over an 8.5 acre parcel of land situated between the two parties' property. *Jedlicka*, 677 A.2d at 1233. The Clemmers' predecessors in interest were Naughton and Vegley. *Id.* Prior to the Jedlickas and Naughton and Vegley signing their deeds, a survey of the land was done and the parties agreed upon a specified boundary line, which was different than the one Jedlicka originally had agreed to. *Id.* The Naughton and Vegley parcel was eventually conveyed to the Clemmers who began entering the disputed 8.5 acres. *Id.* at 1234. The Jedlickas filed an action in ejectment and the Clemmers claimed that the disputed 8.5 acres, which in accordance with the agreed upon boundary line, was within the Jedlickas' parcel, belonged to them. *Id.* at 654. The Court determined that the jury could have found for the Jedlickas because the Clemmers did not dispute the boundary line until 35 years after it had been agreed upon and their predecessors in interest acquiesced for more than 21 years. *Id.*

While the facts in this case are not directly on point with those in *Jedlicka*, the reasoning is similar. Here there is not enough evidence on record to determine what kind of agreement or understanding, if any, was ever reached between Elliot Staley and the Schmitts regarding the alleged encroachments. Looking at the evidence in a light most favorable to Plaintiffs, Elliot Staley could very well have acquiesced to the placement of the tree line and portions of the home because he seemingly was aware of the encroachment and did nothing outwardly to stop it. Accordingly, it would be inappropriate for this Court to decide that the consentable lines doctrine does not apply because the use by the Schmitts was permissive when, in fact, the Court is unaware of Elliot Staley's thought process with regard to the encroachments on his property.

For the same reason, it would also be inappropriate to determine, based on the evidence presented, that Elliot Staley acquiesced to the

encroachments on his property. It is quite possible that he did discuss the matter with the Schmitts and did give them permission, thereby precluding a finding of hostility.

At this juncture, there is simply not enough evidence on the record to grant a motion for summary judgment for either party. The Court has no idea what reaction, if any, Elliot Staley had in response to the encroachments on his property. It is quite possible that he gave permission or that he acquiesced. The Court acknowledges that Elliot Staley has since passed and his true intentions will likely never be known. As stated previously, that creates a question of fact where the evidence presented by both parties needs to be carefully weighed. In such a situation, it is improper to grant a summary judgment motion.

Therefore, both Plaintiffs' and Defendants' Motions for Summary Judgment are denied.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 18th day of February, 2010, for the reasons set forth in the attached Opinion, Defendants' Motion for Summary Judgment filed February 9, 2009, and Plaintiff's Cross Motion For Summary Judgment filed February 24, 2009, are denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-346 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-346

RBS CITIZENS, N.A. F/K/A CITIZENS
BANK, N.A. S/B/M TO CCO
MORTGAGE CORP.
vs.

MICHAEL C. CARROLL, JR & NICOLE
M. CARROLL a/k/a NICOLE M.
STRAWDER

460 SOUTH COLUMBUS AVENUE
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0190-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$162,273.70

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLC

SEIZED and taken into execution as the property of **Michael C. Carroll & Nicole M. Carroll a/k/a Nicole M. Strawder** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1834 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-1834

BAC HOME LOANS SERVICING LP
F/K/A COUNTRYWIDE HOME LOANS
SERVICING LP
vs.

ARTHUR G. CEASE &
KIMBERLEE A. CEASE

94 BOYD'S HOLLOW ROAD
BIGLERVILLE, PA 17307
MENALLEN TOWNSHIP

Parcel No.: 29 C06-0043C-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$136,013.76

Attorneys for Plaintiff

MCCABE WEISBERG & CONWAY, PC

SEIZED and taken into execution as the property of **Arthur G. Cease & Kimberlee A. Cease** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1140 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1140

DEUTSCHE BANK NATIONAL TRUST
COMPANY
vs.
OTIS K. COMSTOCK, SR.

275 BOLLINGER ROAD
LITTLESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15 J18-0091-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$263,539.14

Attorneys for Plaintiff

DANIEL MANCINI AND ASSOCIATES

SEIZED and taken into execution as the property of **Otis K. Comstock, Sr.** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1125 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 09-S-1125

US BANK NA

vs.

JUDY J. DOWNS &
JEFFREY S. DOWNS

32 JACOBS TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43 017-0104-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$258,924.93

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as the property of **Judy J. Downs & Jeffrey S. Downs** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1618 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 08-S-1618

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.

JANET M. DUTKA

167 PARK STREET
ASPERS, PA 17304
BENDERSVILLE BOROUGH

Parcel No.: 03 004-0033-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$122,496.42

Attorneys for Plaintiff

DANIEL MANCINI & ASSOCIATES

SEIZED and taken into execution as the property of **Janet M. Dutka** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1268 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 08-S-1268

LEHMAN BROTHERS BANK, FSB

vs.

IDRISSA DIARRA

41 SPRINGFIELD DRIVE
NEW OXFORD, PA 17350
HAMILTON TOWNSHIP

Parcel No.: 17 K09-0101-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$417,287.40

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG LLC

SEIZED and taken into execution as the property of **Idrissa Diarra** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-396 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-396

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

ROBERT M. FOWLER &
DIANE L. FOWLER

6810 OLD HARRISBURG ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0003A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$186,260.68

Attorneys for Plaintiff

UDREN LAW OFFICES PC

SEIZED and taken into execution as
the property of **Robert M. Fowler &
Diane L. Fowler** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1876 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1876

CHASE HOME FINANCE LLC
vs.

RICHARD W. FISHEL &
NICOLE C. FISHEL

1275 BRAGGTOWN ROAD
DILLSBURG, PA 17019
LATIMORE TOWNSHIP

Parcel No.: 23-K03-0010-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$100,038.30

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Richard W. Fishel &
Nicole C. Fishel** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-779 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-779

NEW YORK COMMUNITY BANK
vs.

DEBORAH E. ENSOR

6411 OLD HARRISBURG ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0037-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$157,484.72

Attorneys for Plaintiff

MCCABE, WEISBERG & CONWAY, P.C.

SEIZED and taken into execution as
the property of **Deborah E. Ensor** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-544 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-544

BANK OF HANOVER AND TRUST
COMPANY

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND
PROTECTIVE ORDER OF ELKS OF
THE UNITED STATES OF AMERICA

37 NORTH 4TH STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16 008-0020C-000

IMPROVEMENTS THEREON:
LAND & BUILDING

JUDGMENT AMOUNT: \$624,924.32

Attorneys for Plaintiff

BUCHANAN INGERSOLL &
ROONEY PC

SEIZED and taken into execution as
the property of **Gettysburg Lodge No.
1045 Of The Benevolent And
Protective Order Of Elks Of The
United States Of America** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-199 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-199

HSBC MORTGAGE CORPORATION
vs.

JESSICA HELT &
FRANK W. VECERA III

49 HEMLOCK DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08 023-0106-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$218,699.83

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Jessica Helt & Frank W.
Vecera III** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-170 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-170

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.

SHERMAN HILL II &
JESSICA S. WETZEL

235 M STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0055-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$185,342.75

Attorneys for Plaintiff

UDREN LAW OFFICES, PC

SEIZED and taken into execution as
the property of **Sherman Hill II &
Jessica S. Wetzel** 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 December 10,
2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-808 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-808
WELLS FARGO BANK NA
vs.
DAVID L. HYNSON & DEBRA J.
HYNSON a/k/a DEBRA J. VACK-
HYNSON

4 HARRISON DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 105-0083-000
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$188,522.25

Attorneys for Plaintiff
MCCABE, WEISBERG & CONWAY, P.C.

SEIZED and taken into execution as the property of **David L. Hynson & Debra J. Hynson a/k/a Debra J. Vack-Hynson** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-254 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-254
BANK OF AMERICA NATIONAL
ASSOCIATION
vs.
LESTER D. HORST &
BECKY A. HORST

95 LEEDY ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G09-0042C-000
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$400,575.40

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Lester D. Horst & Becky A. Horst** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-839 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-839
HEADLANDS ASSET MANAGEMENT
LLC
vs.
KRISTI E. KIME

111 OPOSSUM HILL ROAD
ASPERS, PA 17304
MENALLEN TOWNSHIP

Parcel No.: 29 F05-0127-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$166,222.05

Attorneys for Plaintiff
UDREN LAW OFFICES, PC

SEIZED and taken into execution as the property of **Kristi E. Kime** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-972 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-972

EASTERN SAVINGS BANK FSF
vs.

BRIAN EUGENE KINARD &
MICHELLE R. KINARD

17 SHERMAN DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 102-0043-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$177,518.87

Attorneys for Plaintiff
JAMES, SMITH, DIETTERICK &
CONNELLY, LLP

SEIZED and taken into execution as the property of **Brian Eugene Kinard & Michelle R. Kinard** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-884 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-884

PNC MORTGAGE
vs.

JAMES A. LAMBERT &
JOANNE A. LAMBERT

339 SOUTH QUEEN STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 011-0072-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$195,543.41

Attorneys for Plaintiff
VITTI AND VITTI AND ASSOCIATES,
P.C.

SEIZED and taken into execution as the property of **James A. Lambert & Joanne A. Lambert** 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 December 10, 2010, 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 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-861 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-861

AMERICAN GENERAL FINANCIAL
SERVICES INC

vs.
GINA M. DEMARIA KOONTZ

103 HEMLOCK DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08 021-0071-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$26,713.82

Attorneys for Plaintiff
REAM, CARR, MARKEY & WOLOSHIN
LLP

SEIZED and taken into execution as the property of **Gina M. Demaria Koontz** 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 December 10, 2010, 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 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.

10/8, 15 & 22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on September 15, 2010, with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The name of the corporation is OAK RIDGE DESIGN ASSOCIATES, INC., with its principal office or place of business at 1937 Biglerville Road, Gettysburg, PA 17325. The name and address of the person owning or interested in said business is: Patrick M. Abell, 1937 Biglerville Road, Gettysburg, PA 17325.

Alan Kim Patrono, Esq.
Patrono & Associates, LLC
28 West Middle Street
Gettysburg, PA 17325
(717) 334-8098

10/8

FICTITIOUS NAME

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 16, 2010, pursuant to the Fictitious Name Act, setting forth that Focal Corporation, of 407 North Queen Street, Littlestown, PA 17340, is the only entity owning or interested in a business, the character of which is the selling of eye care products and performing optometric examinations and that the name, style and designation under which said business is and will be conducted is LITTLESTOWN OPTICAL and the location where said business is and will be conducted is 407 North Queen Street, Littlestown, PA 17340.

Guthrie, Nonemaker, Yingst & Hart, LLP
Solicitor

10/8

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN, that Articles of Incorporation were filed by Salzmann Hughes, P.C. for the purpose of incorporating CD BAR & GRILL, INC., under the Pennsylvania Business Corporation Law of 1988.

Eileen C. Finucane, Esq.
Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201
(717) 263-2121

10/8

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, that an application was made on September 21, 2010, with the Department of State of the Commonwealth of Pennsylvania for the purpose of registration of a fictitious name under The Fictitious Names Act. The name and address of the registering entity is TAVERNA 5450, 5450 Fairfield Road, Fairfield, Pennsylvania 17320. The name and address of the party to the registration is Taverna, Inc., 5450 Fairfield Road, Fairfield, Pennsylvania 17320.

Eileen C. Finucane, Esq.
Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201
(717) 263-2121

10/8

NOTICE

TO: Tina Marie Voss

A Petition has been filed asking the Court to put an end to all rights you have as parent to your child, Jessica Ann Webb, born 2/24/02. The Court has scheduled a Hearing for November 9, 2010, at 1:30 P.M. in Court Room No. 6, York County Judicial Center, 45 North George St., York, PA to terminate your parental rights. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and the Court may end your rights to your child without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market St.
York, PA 17401

Telephone: (717) 854-8755

Andrea Eveler Stanley, Esq.

10/8, 15 & 22

WRIT OF EXECUTION MONEY
JUDGMENTS RULES P.R.C.P.
3101 TO 3149

BANK OF HANOVER AND TRUST
COMPANY

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE UNITED
STATES OF AMERICA, 37 N. 4th Street,
Gettysburg, PA 17325

Date of Judgment: 4/16/2008

Notice of Mail Given: 4/16/2008

Judgment & Writ Number: 2008-SU-
0000544

Amount due: \$624,924.32

Interest: February 18, 2009 to

January 8, 2010 - \$39,304.44

Costs to be added: \$2,000.00

Prior Writ Costs: \$1,103.03 (pltf pd)

Attorney Commission/Costs

Prothy: \$29.00 (pltf pd)

Satisfaction: \$9.50

Sheriffs Costs

Forecasts: \$149.25 (pltf pd)

Attorney for Plaintiff: Timothy P. Palmer,
301 Grant Street, 20th Floor, One
Oxford Centre, Pittsburgh, PA
15219 (412) 562-8413

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF ADAMS

TO THE SHERIFF OF ADAMS COUNTY,
PENNSYLVANIA

To satisfy the judgment, interest and costs against Gettysburg Lodge No. 1045 Of The Benevolent And Protective Order Of Elks Of The United States Of America, Defendant

(1) you are directed to levy upon the property of the defendant(s) and to sell his, her (or their) interest therein

(2) you are also directed to attach the property of the defendant not levied upon in the possession of as Garnishee(s), (specifically describe property), and to notify the Garnishee(s) that

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(c) the attachment shall not include

(i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on

(continued on page 10)

deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. §8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify such other person that he/she has been added as a garnishee and is enjoined as above stated.

Beverly Boyd, Prothonotary
By: /s/ Betty Sordon
Deputy Prothonotary

COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 2008-SU-544

BANK OF HANOVER AND TRUST
COMPANY, Plaintiff

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE UNITED
STATES OF AMERICA, Defendant.

WRIT OF EXECUTION
NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

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 CANNOT 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.

Lawyer Referral Service
The Adams County Bar Association
111 Baltimore Street
Gettysburg, PA 17325
Phone: 717-334-1553

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Adams

To the Sheriff of Adams County;

To satisfy the judgment, interest and costs against Gettysburg Lodge No. 1045 Of The Benevolent And Protective Order Of Elks Of The United States Of America, Defendant

(1) you are directed to levy upon the property of the defendant to sell his interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of as garnishee _____ and to notify the garnishee that

(a) an attachment has been issued;

(b) the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount due	\$624,924.32
Interest from February 18, 2009 to January 8, 2010	\$ 39,304.44
(costs to be added)	\$ 2,000.00
Total	\$666,228.76

/s/ Beverly Boyd
Prothonotary

/s/ Betty Sordon
Deputy

MAJOR EXEMPTIONS UNDER
PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 2008-SU-544

BANK OF HANOVER AND TRUST
COMPANY, Plaintiff

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE UNITED
STATES OF AMERICA, Defendant.

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300 statutory exemption be

◇ (i) set aside in kind (specify property to be set aside in kind): _____

◇ (ii) be paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): _____

(2) From my property which is in the possession of a third party, I claim in following exemptions:

(a) my \$300 statutory exemption: ◇ in cash; ◇ in kind (specify property): _____

(b) Social Security benefits on deposits in the amount of \$ _____;

(c) other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me

at _____
(address)

Telephone Number _____

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE SHERIFF OF ADAMS COUNTY:

Adams County Sheriff's Office
Sheriff James W. Muller
Chief Richard S. Keefer
111-117 Baltimore Street, Room 4
Gettysburg, Pennsylvania 17325
Telephone 717-337-9828
Fax 717-334-6521

COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 2008-SU-544

BANK OF HANOVER AND TRUST
COMPANY, Plaintiff

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE UNITED
STATES OF AMERICA, Defendant.

NOTICE UNDER PA.R.C.P. NO. 2958.1 OF
JUDGMENT AND EXECUTION
THEREON

TO: Gettysburg Lodge No. 1045 Of
The Benevolent And Protective
Order Of Elks Of The United
States Of America

A judgment in the amount of **\$624,924.32** has been entered against you and in favor of the Plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The sheriff may take your money or other property to pay the judgment at any time after thirty (30) days after the date on which this notice is served on you.

You may have legal rights to defeat the judgment or to prevent your money or property from being taken. YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO A JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT

AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Lawyer Referral Service
Adams County Bar Association
Attn: Cecelia Brown
111-117 Baltimore Street
Gettysburg, PA 17325
Phone: (717) 337-3754

BUCHANAN INGERSOLL &
ROONEY PC

Dated: September 17, 2010
/s/ Timothy P. Palmer
PA I.D. No. 86165
(412) 562-8413
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
Attorneys for Plaintiff

COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 2008-SU-544

NOTICE OF SHERIFF SALE

BANK OF HANOVER AND TRUST
COMPANY, Plaintiff

vs.

GETTYSBURG LODGE NO. 1045 OF
THE BENEVOLENT AND PROTECTIVE
ORDER OF ELKS OF THE UNITED
STATES OF AMERICA, Defendant.

NOTICE OF SHERIFF'S SALE
OF REAL ESTATE

TO: **Gettysburg Lodge No. 1045 Of
The Benevolent And Protective Order
Of Elks Of The United States Of
America**

TAKE NOTICE that by virtue of the above Writ of Execution issued out of the Court of Common Pleas of Adams County, Pennsylvania and to the Sheriff of Adams County, directed, there will be exposed to Public Sale in:

**ADAMS COUNTY COURTHOUSE
111-117 BALTIMORE STREET, ROOM 4
GETTYSBURG, PENNSYLVANIA 17325**

On November 19, 2010 at 10:00 A.M. the following described real estate of which defendant(s) own:

**37 North 4th Street a/k/a
Lot 1, Plan 90-7, Fourth Street Station,
Gettysburg, PA 17325**

Property ID No.: (16) 008-0020C-000

described on Exhibit "A" hereto (hereinafter, the "Property") of which Gettysburg Lodge No. 1045 Of The Benevolent And Protective Order Of Elks Of The United States Of America is the owner or reputed owner.

The said Writ of Execution has been issued on a judgment in the amount of \$624,924.32, plus other costs and expenses, including attorneys' fees and costs, plus interest on the judgment at

the per diem of \$121.31 set forth in the judgment and costs of suit in the Court of Common Pleas of Adams County, Pennsylvania. The Writ is in the amount of \$666,228.76 (which includes interest through January 8, 2010).

The judgment was entered upon a Mortgage of the Property, which Mortgage was recorded on August 21, 2006 in the office of the Recorder of Deeds of Adams County, Pennsylvania.

Claims against property must be filed at the Office of the Sheriff before above sale date.

Claims to proceed must be made with the Office of the Sheriff before distribution.

Schedule of Distribution will be filed with the Office of the Sheriff not later than thirty (30) days from the sale date.

Exceptions to Distribution of a Petition to Set Aside the Sale must be filed with the Office of the Sheriff not later than ten (10) days from the date when Schedule of Distribution is filed in the Office of the Sheriff.

Attached hereto is a copy of the Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ADVICE.

**LAWYER REFERRAL SERVICE
THE ADAMS COUNTY BAR
ASSOCIATION
111 BALTIMORE STREET
GETTYSBURG, PA 17325
PHONE: 717-334-1553**

You may have legal rights to prevent the Sheriff's Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Sheriff's Sale by filing before the sale occurs, a petition to open or strike the judgment or a petition to stay the execution.

If the judgment was entered because you did not file with the Court and defense or objection you might have within twenty (20) days after service of the Complaint of Mortgage Foreclosure and Notice of Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened the

(continued on page 13)

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 CORINNE S. ACKERMAN, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Cyril A. Ackerman, Jr., 177 Longstreet Drive, Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY G. HAMBERGER, DEC'D

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

Personal Representatives: John C. Hamberger, 49 Allen Dr., Hanover, PA 17331; Jo Anne Gulden, 120 Berlin Rd., New Oxford, PA 17350

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF BEATRICE E. ANTHONY, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alice M. Stottlemeyer, 70 Sinclair Road, Red Lion, PA 17356

ESTATE OF RUTH L. BRADY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Scott E. Brady, c/o Bruce C. Bankenstein, Esq., 48 South Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 48 South Duke Street, York, PA 17401

ESTATE OF MARY LOUISE GROSS, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Gregory L. Gross, 547 Ridge Avenue, McSherrystown, PA 17344; Jeffrey A. Gross, 311 Vincent Drive, McSherrystown, PA 17344

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

ESTATE OF CLARENCE W. HANSFORD, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Rebecca Hansford, 17 Colonial Drive, Gettysburg, PA 17325

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

ESTATE OF PAULINE C. LEILICH, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Donald A. Leilich, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ROSELLEN M. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Michael R. Wentz, 369 High Street, Souderton, PA 18964

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

ESTATE OF HELEN V. MITCHELL a/k/a HELEN VIRGINIA MITCHELL, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Gail Lynne Wagaman, 750 Poplar Street, Hanover, PA 17331; Louis Eric Mitchell, 18 Dickenson Drive, Hanover, PA 17331; Denise Laclare Descheemaeker, 204 Lindy Avenue, York Springs, PA 17362

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF ROBERT E. SANDRUCK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Norene E. Nolf, c/o Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

THIRD PUBLICATION**ESTATE OF MARY H. HARRIS a/k/a MARY HOOVER HARRIS a/k/a MARY E. HARRIS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Linda H. Moyer, 61 W. Reliance Road, Souderton, PA 18964

Attorney: David M. Laucks, Esq., Laucks & Laucks, LLP, 105 W. Broadway, Red Lion, PA 17356

ESTATE OF BENJAMIN RALPH HOWE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administratrices: Amanda Howe, 500 Boyds School Road, Apt. 501, Gettysburg, PA 17325; Leslie Messinger, 150 Gun Club Road, New Oxford, PA 17350

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

ESTATE OF DEBRA SUE HOWE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administratrix: Wendy Owen, 70 Lexington Drive, Hanover, PA 17331

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

ESTATE OF DENNIE BENJAMIN MILLER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administrator: Donald B. Miller, 10 Scotch Trail, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, 20 West Main Street, Fairfield, PA 17320

ESTATE OF ROBERT WAYNE MITCHELL, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: C. Louise Richardson, 310 Mary Avenue, Westminster, MD 21157

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF JACK A. SHIFFLETT, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Margaret B. Sentous, 1421 Hollidale Court, Los Altos, CA 94024; Jack O. Shifflett, 724 Gorsuch Road, Westminster, MD 21157

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

Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage or judgment.

You may also have the right to petition the Court to stay or delay the execution and the Sheriff's Sale if you can show a defect in the Writ of Execution of service of demonstrate any other legal or equitable right.

YOU MAY ALSO HAVE THE RIGHT TO HAVE THE SHERIFF'S SALE SET ASIDE IF THE PROPERTY IS SOLD FOR A GROSSLY INADEQUATE PRICE OR IF THERE ARE DEFECTS IN THE SHERIFF'S SALE. TO EXERCISE THIS RIGHT YOU SHOULD FILE A PETITION WITH THE COURT AFTER THE SALE AND BEFORE THE SHERIFF HAS DELIVERED HIS DEED TO THE PROPERTY. THE SHERIFF WILL DELIVER THE DEED IF NO PETITION TO SET ASIDE THE SALE IS FILED WITHIN THEN (10) DAYS FROM THE DATE WHEN THE SCHEDULE OF DISTRIBUTION IS FILED IN THE OFFICE OF THE SHERIFF.

BUCHANAN INGERSOLL & ROONEY PC
Dated: September 14, 2010
/s/ Timothy P. Palmer
PA I.D. No. 86165
(412) 562-8413
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
Attorneys for Plaintiff

EXHIBIT "A"

ALL THAT CERTAIN lot or piece of ground situated in Gettysburg Borough, County of Adams, Commonwealth of Pennsylvania.

BEGINNING at an existing iron pin located at the eastern edge of the existing right of way of North Fourth Street and near the southern right of way line of railroad; thence by said right of way line of railroad North 73 degrees 55 minutes 6 seconds East 345.09 feet to a point at corner of Lot No. 2; thence by said lot No. 2 South 23 degrees 38 minutes 2 seconds East 111.05 feet to a point on the northern edge of Race Horse Alley; thence by said Race Horse Alley South 66 degrees 16 minutes 6 seconds West 342.32 feet to an existing railroad spike near the eastern edge of the existing right of way of North Fourth Street; thence by same North 23 degrees 46 minutes 1 second West 157.10 feet to an existing iron pin the place of BEGINNING.

THE ABOVE DESCRIPTION is being LOT NO. 1 on a Final Subdivision Plan for Fourth Street Subdivision, prepared by Herbert, Rowland & Grubic, Inc., dated November 4, 2005 and recorded.

Being more commonly known as: 37 North 4th Street a/k/a Lot 1, Plan 90-7, Fourth Street Station, Gettysburg, PA 17325, Property ID No.: (16) 008-0020C-000

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
No. 2008-SU-544

BANK OF HANOVER AND TRUST COMPANY, Plaintiff

vs.

GETTYSBURG LODGE NO. 1045 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, Defendant.

ORDER

AND NOW, this 3rd day of June, 2010 upon consideration of Plaintiff's Motion for Special Order Directing Method of Service Pursuant to Pa.R.C.P. 430, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiff may serve a Writ of Execution, Writ of Execution Notice, Notice of Sheriff's Sale of Real Estate, Notice of Judgment and Execution Required by Rule 2958.2 and all other notices which Plaintiff is required by law or rule of court to serve upon Defendant or Defendant's unknown former members, by publishing each such notice once in the Adams County Legal Journal and once in the Gettysburg Times.

/s/ Michael A. George
J.

10/8

Statement of Ownership, Management, and Circulation
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Editor (Name and complete mailing address) John W. Phillips, Esq. 101 West Middle Street, Gettysburg, PA 17325		
Managing Editor (Name and complete mailing address) John W. Phillips, Esq. 101 West Middle Street, Gettysburg, PA 17325		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)		
Full Name Adams County Bar Association	Complete Mailing Address Courthouse, 117 Baltimore St., Rm 305 Gettysburg, PA 17325-2313	
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None		
Full Name None	Complete Mailing Address	
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) <input type="checkbox"/> The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input type="checkbox"/> Has Not Changed During Preceding 12 Months <input checked="" type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		

PS Form 3526, September 2007 (Page 1 of 3) (Instructions/Paper 3) PSN 7530-01-000-8001 PRIVACY NOTICE: See our privacy policy on www.usps.com

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(4) Paid Distribution by Mail or Outside the Mail	2	0
(5) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	0	0
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1. Total Distribution (Sum of 15c and 15g)	29	4
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h. Total (Sum of 15f and g)	34	10
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16. Publication of Statement of Ownership <input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed in the 10-08-2010 issue of this publication. <input type="checkbox"/> Publication not required.		
17. Signature and Title of Editor, Publisher, Business Manager, or Owner Cecelia Brown Post-Georg Date 10-01-2010		

I certify that the information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PS Form 3526, September 2007 (Page 2 of 3)

