

# Adams County Legal Journal


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JAMES EDWARD HECKENDORN, III



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

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## NOTICE

The Tax Claim Bureau of Adams County, Pennsylvania, hereby gives notice that it presented a Consolidated Return of Sale to the Court of Common Pleas of Adams County, Pennsylvania, on November 18, 2016, of the Upset Tax Sale of real estate for delinquent taxes held by the Bureau on September 30, 2016, pursuant to due notices required by the Real Estate Tax Sale law of 1947, as amended. The Court confirmed this Return Nisi on November 22nd, 2016. Any owner or lien creditor may file exceptions or objections to the Return within thirty (30) days after November 22, 2016. If no exceptions or objections are filed by that date, the Return will be confirmed absolutely.

Adams County Tax Claim Bureau  
Daryl Crum, Director

12/02

## NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the PA Business Corporation Law of 1988, AEC, Inc., a corporation with its jurisdiction of formation in GA and its principal office at 50 Warm Springs Circle, Roswell, GA 30075, and having a Commercial Registered Office Provider and County of Venue as follows: c/o CT Corporation System, Adams County, has filed a Statement of Withdrawal of Foreign Registration with the Department of State.

12/02

## ACTION IN DIVORCE

USMAN VERIATCH, Plaintiff vs.  
SIDRA BATOOL, Defendant  
No. 2012-FC-000331-02

## NOTICE TO DEFEND AND CLAIM RIGHTS

TO: SIDRA BATOOL YOU have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree or divorce or annulment may be entered against you by the Court. A Judgment may also be entered against you for any other claim or relief requested in these papers by

the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at

York County Judicial Center  
45 North George Street  
York, PA 17401

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, MARITAL PROPERTY, COUNSEL FEES OR EXPENSE BEFORE A FINAL DECREE OF DIVORCE OR ANNULMENT IS ENTERED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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 Street  
York, Pennsylvania 17401  
Telephone: (717) 854-8755

In said complaint Usman Veriatch claims the two of you were married December 20, 2011, in Brooklyn, New York, and separated December 30, 2011 and have lived separate and apart since December 30, 2011, and claims the marriage is irretrievably broken under provision of the Pennsylvania Divorce Code Section 3301(D) which allows a Divorce Decree to be entered upon a two year separation of the parties. Hence Usman Veriatch desires the Court to enter a Divorce Decree. If you do not agree with the foregoing, you may file the Counter-Affidavit below with the Office of the Prothonotary.

COUNTER-AFFIDAVIT  
USMAN VERIATCH, Plaintiff  
vs. SIDRA BATOOL, Defendant  
No. 2012-FC-000331-02

COUNTER-AFFIDAVIT UNDER  
Section 3301(D) OF THE DIVORCE  
CODE

## 1. Check either (a) or (b):

- (a) I do not oppose the entry of a divorce decree.
- (b) I oppose the entry of a divorce decree because (Check (i)(ii) (iii) or all):
  - (i) The parties to this action have not lived separate and apart for a period of at least two years.
  - (ii) The marriage is not irretrievably broken.
  - (iii) There are economic claims pending.

## 2. Check (a) (b) or (c):

- (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer fees or expenses if I do not claim them before a divorce is granted.
- (b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

- (c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Continued on page 4

COMMONWEALTH OF PENNSYLVANIA VS.  
JAMES EDWARD HECKENDORN, III

1. The United States Supreme Court has explicitly held the Fourth Amendment permits warrantless breath tests incident to arrest for drunk driving. **Birchfield**, 136 S. Ct. at 2184. Conversely, absent an exception to the warrant requirement, a blood test conducted without a warrant, incident to a lawful drunk driving arrest, violates the Fourth Amendment.

2. Defendant's blood test results must be suppressed as an unreasonable search and seizure in violation of Article I, Section 8 of the Pennsylvania Constitution unless the Commonwealth establishes Defendant provided knowing and voluntary consent.

3. The stain of an unconstitutional search may be erased when an individual has validly consented to the search.

4. In order for consent to be valid, it must be unequivocal, specific, and voluntary. The appellant must have intentionally relinquished or abandoned a known right or privilege.

5. Gauging the scope of a defendant's consent is an inherent and necessary part of the process of determining, on the totality of the circumstances presented, whether the consent is objectively valid, or instead the product of coercion, deceit, or misrepresentation.

6. Defendant was also never advised he had a right to refuse consent. However, this is not outcome-determinative to a finding of knowing and voluntary consent.

7. Based upon a plain reading of the statute, it does not appear a police officer must read the DL-26 form to a person arrested for a DUI offense prior to asking the person to submit to a blood draw. If the person consents in response to an officer's request for a blood draw, there is no need to provide an explanation of the consequences of a refusal.

8. The Superior Court explained the implied consent law does not require that a motorist's consent to a chemical test be informed but does require that a motorist's refusal be informed. Therefore, in the current case, because Defendant consented to the blood draw the fact he was never provided with the DL-26 form will not invalidate his consent.

9. It is within the suppression court's sole province as fact finder to pass on the credibility of witnesses and the weight to be given to their testimony. The suppression court is free to believe all, some or none of the evidence presented at the suppression hearing.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CRIMINAL, CP-01-CR-561-2016,  
COMMONWEALTH OF PENNSYLVANIA VS. JAMES EDWARD  
HECKENDORN, III.

Megan C. Zei Esq., Attorney for Commonwealth

Jamison Entwistle, Esq., Attorney for Defendant

Wagner, J., October 7, 2016

## OPINION

Presently before the Court is Defendant James Edward Heckendorn, III's Motion to Suppress Evidence of Blood Results, filed August 19, 2016, and Defendant's Motion for Reconsideration Nunc Pro Tunc Under Birchfield, filed August 29, 2016. A suppression hearing was held on September 26, 2016. The issue before the Court is whether Defendant voluntarily consented to a blood draw following Defendant's arrest for DUI. Based upon the following Findings of Fact and Conclusions of Law, the Court will deny Defendant's Motion to Suppress Evidence of Blood Results.

## FINDINGS OF FACT

1. Officer Joshua Rosenberger has been a police officer with Cumberland Township Police Department for approximately four years and has received training concerning the signs of alcohol and drug intoxication.
2. As part of Officer Rosenberger's training, he was instructed in Standard Field Sobriety Testing and Advanced Training Recognition of Drug Impaired Driver.
3. Officer Rosenberger has been involved in approximately sixty DUI investigations and arrests.
4. Officer Rosenberger was on duty on April 20, 2016 in full uniform and in a marked police vehicle. Officer Rosenberger was traveling in the police vehicle with Officer Joshua Goodling of the Cumberland Township Police Department.
5. Officer Rosenberger and Officer Goodling initiated a traffic stop on a vehicle which was driven by Defendant at approximately 1920 hours. The traffic stop was based on Defendant committing the crime of fleeing and attempting to elude police officer. The traffic stop occurred in the one hundred block of Marsh Creek Road, Cumberland Township, Adams County, Pennsylvania.
6. Officer Rosenberger immediately placed Defendant under arrest following this traffic stop and handcuffed Defendant.
7. Officer Rosenberger advised Defendant of his Miranda warnings.
8. Officer Rosenberger observed Defendant's eyes and Defendant's pupils were dilated.

9. Defendant advised Officer Rosenberger that he had recently used heroin, synthetic marijuana and Percocet.
10. Officer Goodling asked Defendant to perform Standard Field Sobriety Tests. Defendant agreed and Officer Rosenberger observed these tests.
11. Based on Officer Rosenberger's observations of Defendant, his contact with Defendant and Defendant's statements, Officer Rosenberger was of the opinion that Defendant was under the influence of a controlled substance which rendered Defendant incapable of safe driving.
12. Officer Rosenberger placed Defendant under arrest for DUI. While Defendant was still present at the Marsh Creek Road location, Officer Rosenberger advised Defendant he was transporting Defendant to the Gettysburg Hospital and requested Defendant to submit to a blood draw. Defendant responded he wasn't on any drugs. Defendant did not ask any additional questions of Officer Rosenberger concerning the blood test.
13. Defendant was handcuffed, placed in the back of the Cumberland Township Police vehicle and transported to the Gettysburg Hospital by Officer Rosenberger and Officer Goodling.
14. At 2031 hours Defendant consented and blood was drawn from Defendant at the Gettysburg Hospital.
15. Officer Rosenberger never read the DL-26 form to Defendant nor did Officer Rosenberger have Defendant sign the DL-26 form.
16. Officer Rosenberger testified he does not read the DL-26 form to a DUI defendant unless a DUI defendant refuses to submit to a blood test, asks questions about the blood test or requests an attorney.
17. Analysis of Defendant's blood by NMS Labs revealed the presence of metabolites of heroin and oxycodone in Defendant's blood.
18. Defendant testified that Defendant submitted to a blood test because "I was told from other people, you know, from different people, that if you refuse a blood test you automatically get charged with the highest tier for a DUI."
19. This was Defendant's first arrest for a DUI offense.

## CONCLUSSIONS OF LAW

1. Defendant was immediately placed under arrest and handcuffed when Officer Rosenberger and Officer Goodling stopped Defendant's vehicle.
2. Officer Rosenberger immediately advised Defendant of his Miranda warnings after Officer Rosenberger placed Defendant under arrest.
3. Officer Rosenberger had probable cause to arrest Defendant for DUI.
4. Defendant was handcuffed and under arrest when Defendant was asked to submit to a blood test by Officer Rosenberger.
5. Defendant's testimony that Defendant submitted to a blood test because other people told him if he didn't "you automatically get charged with the highest tier for a DUI" is not credible and this Court gives this testimony no weight.
6. Defendant's consent to provide a blood sample was knowing and voluntary.

## LEGAL STANDARD

In a suppression hearing, the Commonwealth has the burden to establish, by a preponderance of the evidence, the admissibility of those items the accused seeks to preclude. **Commonwealth v. Ruey**, 892 A.2d 802, 807 (PA. 2006).

The Fourth Amendment of the United States Constitution guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."<sup>1</sup> The Fourth Amendment is applicable to the states through the Fourteenth Amendment of the U.S. Constitution. **Commonwealth v. Kohl**, 615 A.2d 308, 311 (PA. 1992). Pennsylvania's Constitution specifically guarantees citizens the right to be "secure in their persons... from unreasonable searches and seizures."<sup>2</sup> A search or seizure is reasonable only if "it is conducted pursuant to a search warrant issued by a magistrate upon a showing of probable cause." **Kohl**, 615 A.2d at 313. When police obtain evidence in violation of an

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<sup>1</sup> U.S. Const. amend. IV.

<sup>2</sup> PA. Const. art. I, § 8.

individual's Fourth Amendment rights, the Commonwealth is precluded from using that evidence at trial. **Commonwealth v. Pratt**, 930 A.2d 561, 563 (Pa. Super. 2007).

"The taking of a blood sample or the administration of a breath test is a search." **Birchfield v. North Dakota**, 136 S. Ct. 2160, 2173 (2016). **See also Commonwealth v. Ellis**, 608 A.2d 1090, 1092 (Pa. Super. 1992) (citing **Commonwealth v. Hipp**, 551 A.2d 1086 (Pa. 1988)) ("The administration of a blood test is a search within the meaning of the Fourth Amendment if it is performed by an agent of the government."). In the current case, the police officer requested Defendant provide a blood sample after arresting him for a DUI offense. Since Defendant's blood was taken at the request of law enforcement, the blood draw was a search and must comply with both the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution to be admissible at trial.

The United States Supreme Court has explicitly held "the Fourth Amendment permits warrantless breath tests incident to arrest for drunk driving."<sup>3</sup> **Birchfield**, 136 S. Ct. at 2184. Conversely, absent an exception to the warrant requirement, a blood test conducted without a warrant, "incident to a lawful drunk-driving arrest[.]" violates the Fourth Amendment.<sup>4</sup> **Id.** at 2185 n. 8.

### DISCUSSION: KNOWING AND VOLUNTARY CONSENT

Here, Officer Rosenberger did not obtain a search warrant prior to the blood draw. As the Commonwealth has not established an exigent circumstance, Defendant's blood test results must be suppressed as an unreasonable search and seizure in violation of Article I, Section 8 of the Pennsylvania Constitution unless the Commonwealth establishes Defendant provided knowing and voluntary consent.<sup>5</sup>

The stain of an unconstitutional search may be erased when an

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<sup>3</sup> The Court found breath tests did not offend the Fourth Amendment since "breath tests are significantly less intrusive than blood tests and in most cases amply serve law enforcement interests..." **Id.** at 2185.

<sup>4</sup> As compared to a breath test, blood tests entail a significant bodily intrusion, as well as implicate serious concerns regarding an individual's privacy rights. **Id.** at 2178.

<sup>5</sup> The Commonwealth bears the burden of establishing Defendant knowingly and voluntarily consented to the search. **Commonwealth v. Smith**, 77 A.3d 562, 573 (Pa. 2013).

individual has validly consented to the search. See **Commonwealth v. Cleckley**, 738 A.2d 427, 429 (PA. 1999) (citing **Commonwealth v. Slaton**, 608 A.2d 5, 8-9 (PA. 1992)). Pennsylvania courts have employed an objective, totality of the circumstances approach in deciding whether an individual provided the necessary consent to search. **Smith**, 77 A.3d at 573. “In order for consent to be valid, it must be ‘unequivocal, specific, and voluntary.’ The appellant must have intentionally relinquished or abandoned a known right or privilege.” **Commonwealth v. Dunne**, 690 A.2d 1233, 1236 (PA. Super. 1997) (citing **Commonwealth v. Gibson**, 638 A.2d 203, 207 (PA. 1994)).

The **Smith** Court aptly stated:

In determining the validity of a given consent [to provide a blood sample], ‘the Commonwealth bears the burden of establishing that a consent is the product of an essentially free and unconstrained choice-not the result of duress or coercion, express or implied, or a will overborne-under the totality of the circumstances.’ ‘The standard for measuring the scope of a person’s consent is based on an objective evaluation of what a reasonable person would have understood by the exchange between the officer and the person who gave the consent.’ Such evaluation includes an objective examination of ‘the maturity, sophistication and mental or emotional state of the defendant. . . .’ Gauging the scope of a defendant’s consent is an inherent and necessary part of the process of determining, on the totality of the circumstances presented, whether the consent is objectively valid, or instead the product of coercion, deceit, or misrepresentation.

**Smith**, 77 A.3d at 573. (internal citations omitted).

The Pennsylvania Supreme Court has also explained:

[e]valuation of the voluntariness of a defendant’s consent necessarily entails consideration of a variety of factors, factors which, of course, may vary depending on the circumstances. Accordingly, no hard and fast rule can be gleaned that would dictate what factors must be considered in each instance. We find instructive, however, the



following factors considered by the Supreme Court of Appeals of West Virginia when evaluating the voluntariness of a defendant's consent: 1) the defendant's custodial status; 2) the use of duress or coercive tactics by law enforcement personnel; 3) the defendant's knowledge of his right to refuse consent; 4) the defendant's education and intelligence; 5) the defendant's belief that no incriminating evidence will be found; and 6) the extent and level of the defendant's cooperation with the law enforcement personnel.

**Cleckley**, 738 A.2d at 433 n. 7 (PA. 1999) (adopting the factors espoused by the Supreme Court of Appeals of West Virginia).

At the point Defendant consented to the blood draw he was under arrest and in custody. Given the inherently coercive atmosphere of custodial arrest, this factor leans against a finding of a knowing and voluntary consent.

Defendant was also never advised he had a right to refuse consent. **See Commonwealth v. Strickler**, 757 A.2d 884, 901 (PA. 2000). However, this is not outcome-determinative to a finding of knowing and voluntary consent. **See Cleckley**, 738 A.2d at 433 (“[O]ne’s knowledge of his or her right to refuse consent remains a factor to consider in determining the validity of consent; it simply is not a determinative factor since other evidence is oftentimes adequate to prove the voluntariness of a consent.”). Here, even though Defendant was not told he could refuse the test, he knew he was consenting to the taking and search of his blood by law enforcement.

Defense Counsel appears to assert that a Defendant cannot provide knowing consent unless he is given the warnings contained in the DL-26 form. However, based upon a plain reading of the statute, it does not appear a police officer must read the DL-26 form to a person arrested for a DUI offense prior to asking the person to submit to a blood draw.<sup>6</sup> **75 Pa. C.S.A. § 1547(b)(1)** states “[i]f any person

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<sup>6</sup> This Court has found no case law suggesting a contrary reading of the statute. Conversely, since a license suspension and the enhanced criminal penalties are triggered when an individual refuses to submit to the blood test, a person must be given the warnings before either of those penalties can be imposed. **See Commonwealth v. Xander**, 14 A.3d 174, 179 (Pa. Super. 2011); **Weems v. Commonwealth, Dep’t of Transp., Bureau of Driver Licensing**, 990 A.2d 1208, 1211-12 (Commw. Ct. 2010).

placed under arrest for a violation of section 3802 *is requested to submit to chemical testing and refuses to do so*, the testing shall not be conducted...” (emphasis added). If the person consents in response to an officer’s request for a blood draw, there is no need to provide an explanation of the consequences of a refusal.

In **Commonwealth v. McCoy**, 895 A.2d 18, 27 (PA. Super. 2006), Defendant consented to a blood draw after being arrested for DUI. On appeal Defendant claimed, among other things, his consent was invalid because the officer provided him with “incorrect implied consent warnings, gave incomplete warnings and gave an incorrect statement of the law...” **Id.** at 24.<sup>7</sup> Specifically, he argued the warning failed to tell him that a person who refuses the chemical test will receive a sentencing enhancement. **Id.** at 27. The Superior Court found Defendant’s argument unpersuasive because Defendant had consented to the blood draw. **Id.** at 27-28. Citing an earlier case, the Superior Court explained the implied consent law “does not require that a motorist’s consent to a chemical test be informed but does require that a motorist’s refusal be informed.” (internal citation omitted). **Id.** at 28. Therefore, in the current case, because Defendant consented to the blood draw the fact he was never provided with the DL-26 form will not invalidate his consent.

Despite the fact Defendant was never advised he had a right to refuse the blood test and was in custody at the time he consented, there are a number of factors leaning towards a finding of knowing and voluntary consent. For example, Officer Rosenberger provided Defendant with Miranda warnings prior to requesting he submit to a blood draw. See **Commonwealth v. Acosta**, 815 A.2d 1078, 1087 (PA. Super. 2003).

Officer Rosenberger neither forced, pressured, nor misrepresented the facts in an effort to get Defendant to consent to the blood draw. After Defendant was placed under arrest for DUI, Officer Rosenberger told Defendant he would transport Defendant to Gettysburg Hospital and requested Defendant to submit to a blood test. Defendant responded he wasn’t on any drugs. Defendant asked no other questions of Officer Rosenberger or made any other statements concerning the request for a blood draw.

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<sup>7</sup> The officer provided Defendant an older version of the DL-26 form. **Id.** at 27.

Furthermore, Defendant cannot claim the threat of criminal penalties contained in the DL-26 form coerced him into consenting. As mentioned previously, Officer Rosenberger testified he did not read the DL-26 form to Defendant nor did he make any reference to criminal penalties. Defendant's consent to the blood draw was not the product of duress or coercion on the part of law enforcement. Based on an objective evaluation of what a reasonable person would have understood by the exchange between Officer Rosenberger and Defendant, it is clear that the consent was the product of an essentially free and unconstrained choice, not the result of duress or coercion on the part of Officer Rosenberger.

Additionally, the fact Defendant fully cooperated with Officer Rosenberger weighs in favor of voluntary consent. No evidence was presented to show Defendant was argumentative, belligerent, or uncooperative after his initial arrest. After Defendant's arrest, while Defendant was being transported to Gettysburg Hospital, Defendant asked Officer Rosenberger if he would contact someone in regard to picking up Defendant's son. After being escorted into Gettysburg Hospital, Defendant agreed and submitted to the blood draw. This fact illustrates Defendant's consent was the product of considered deliberation, as Defendant had a significant amount of time to consider Officer Rosenberger's request to submit to a blood draw, prior to agreeing to the blood draw. Furthermore, Defendant's belief that no incriminating evidence would be found through the blood test also weighs in favor of knowing and voluntary consent.

This Court finds the testimony of Defendant not credible and therefore gives Defendant's testimony no weight. It is within the suppression court's sole province as fact finder to pass on the credibility of witnesses and the weight to be given to their testimony. **Commonwealth v. Griffin**, 785 A.2d 501, 505 (PA. Super. 2001). The suppression court is free to believe all, some, or none of the evidence presented at the suppression hearing. **Id.** See also **Commonwealth v. Elmobdy**, 823 A.2d 180, 183 (PA. Super. 2003). Defendant testified that Defendant submitted to a blood test because other people told him if he didn't "you automatically get charged with the highest tier for a DUI". This Court finds it improbable that other people made reference to the term "highest tier for a DUI" to Defendant prior to Defendant's DUI arrest in this case. "Highest tier"

is a specific legal reference, not a term used in regular conversation by people, even those charged with DUI. As such, this Court finds Defendant's testimony concerning Defendant's understanding of enhanced penalties for a blood test refusal incredible, and gives such testimony no weight.

Upon consideration of the totality of all the factors present in this case, this Court is of the opinion that the Commonwealth has met its burden of establishing that Defendant's consent was the product of an essentially free and unconstrained choice, objectively valid and not the product of police coercion, deceit or misrepresentation. Therefore, Defendant did knowingly and voluntarily consent to the search of his person and the warrantless blood draw was legal. Defendant's Motion to Suppress is denied.

#### ORDER OF COURT

And Now, this 7th day of October, 2016, for the reasons set forth in the attached Opinion, Defendant's Motion to Suppress Evidence is denied.

**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 MILDRED P. DANNER, DEC'D**

Late of Mount Joy Township, Adams County, Pennsylvania

Executor: Bryan D. Danner, c/o Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 E. Middle Street, Gettysburg, PA 17325

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

**ESTATE OF VALEDA J. HUGHES, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Donald P. Winter, 14775 SE Avenue, Summerfield, FL 34491

Attorney: Gregory R. Reed, Esq., 4303 Derry Street, Harrisburg, PA 17111

**ESTATE OF PETER A. KOUFUS, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Administrator: Peter N. Koufus, 150 Myers Road, York Springs, PA 17372

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

**ESTATE OF BARBARA A. LAWRENCE, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Belinda R. Arnold, 603 Main Street, McSherrystown, PA 17344

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

**ESTATE OF FRANCIS J. NEVINS, DEC'D**

Late of Mount Joy Township, Adams County, Pennsylvania

Co-Executors: Francis Joseph Nevins, 27 Jackson Road, Gettysburg, PA 17325; James John Nevins, 151 Center Street, Hanover, PA 17331

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

**ESTATE OF MARY L. OYLER, a/k/a MARY G. OYLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Ralph D. Oyler, 754 Maple Street, Lake Oswego, OR 97034

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF DANIEL J. SCHMIDT, a/k/a DANIEL JOHN SCHMIDT, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Gerald Ste-Marie, 531 Wilson Avenue, Hanover, PA 17331

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

**ESTATE OF JOSEPH W. WILSON, DEC'D**

Late of Freedom Township, Adams County, Pennsylvania

Executor: Gerald S. Miller, 4231 Ernitsburg Road, Fairfield, PA 17320

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF M. ROMAINE WIRTZ, a/k/a MARGUERITE ROMAINE WIRTZ, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Galen C. Krebs, 1058 Pickett Drive, Gettysburg, PA 17325

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

**SECOND PUBLICATION****ESTATE OF MAHLON R. CRAWFORD, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Rodney W. Crawford, c/o Laucks & Laucks, PC, 105 West Broadway, Red Lion, PA 17356

Attorney: David M. Laucks, Esq., Laucks & Laucks, PC 105 West Broadway, Red Lion, PA 17356

**ESTATE OF DOROTHY FREITAG, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., P.O. Box 308, 4242 Carlisle Pike, Camp Hill, PA 17001-0308

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

**ESTATE OF RICHARD G. KING, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Estelle B. King, 2596 Hanover Pike, Hanover, PA 17331

Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050

**THIRD PUBLICATION****ESTATE OF MAUDE E. DEAL, a/k/a MAUDE ELIZABETH DEAL, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Elizabeth D. Deal, 314 High St., 1st Fl, Hanover, PA 17331

Attorney: Amy E.W. Ehrhart, Esq., 118 Carlisle St., Suite 202, Hanover, PA 17331

**ESTATE OF FLORENCE L. DIEHL, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: John E. Watson, Sr., 6995 Old Harrisburg Road, York Springs, PA 17372

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

**ESTATE OF PHILIP D. HOFFMAN, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executrix: Abby Young, 3070 Willow Lane, Glenville, PA 17329

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

**ESTATE OF EVELYN V. WARNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Joyce E. Arndt, 611 Moul Avenue Hanover, PA 17331

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

**ESTATE OF MICHAEL H. WILT, SR., DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Administrators: Eric A. Wilt, 143 Fohl Street, Biglerville, PA 17307; Michael H. Wilt, Jr., 222 Ewell Avenue, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

Continued from page 2

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

**NOTICE OF INTENTION TO REQUEST  
DIVORCE DECREE**

TO: SIDRA BATOOL: USMAN  
VERIATCH INTENDS TO FILE WITH  
THE COURT THE ATTACHED  
AMENDED PRAECIPE TO TRANSMIT  
RECORD ON OR AFTER DECEMBER  
19, 2016, REQUESTING A FINAL  
DECREE IN DIVORCE BE ENTERED.

USMAN VERIATCH, Plaintiff vs.  
SIDRA BATOOL, Defendant  
No. 2012-FC-000331-02

**AMENDED PRAECIPE TO TRANSMIT  
RECORD**

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree;

1. Ground for divorce: irretrievable breakdown under Section 3301( c )  
Section 3301(d) of the Divorce Code.
2. Date and manner of service of the complaint:
3. (Complete either paragraph (a) or (b).)  
(a) Date of execution of the affidavit of consent required by Section 3301( c )  
of the Divorce Code: Plaintiff -  
Defendant -
4. Related claims pending:
5. Complete either (a) or (b).  
(a) Date and manner of service of the notice of intention to file praecipe to transmit record:  
(b) Date of defendant's Waiver of Notice in 3301( c ) Divorce was filed with prothonotary:  
( c ) Date plaintiff's Waiver of Notice in 3301( c ) Divorce was filed with prothonotary:

Joseph E. Erb, Jr., Esq.  
I.D. #57869

Attorney for Plaintiff, Usman Veriatch

12/02

**NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS**

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, December 8, 2016 8:30 am

**DOVE** — Orphans' Court Action Number OC 118 2016 The First and Final Account of Charles G. Dove and Glenda Dove, Executors of the Estate of Charles J. Dove, Deceased, late of Latimore Township, Adams County, Pennsylvania

**NUTT** — Orphans' Court Action Number OC 119 2016 The First and Final Account of Christine A. Smith, Executrix of the Estate of Charles A. Nutt, Deceased, late of Union Township, Adams County, Pennsylvania

Kelly A. Lawver  
Clerk of Courts

11/23 & 12/02