

# Adams County Legal Journal

Vol. 61

June 28, 2019

No. 8, pp. 14-25

WILLIAM G. WOODSON VS.  
WANDA K. WOODSON

## Invest with Experience.

The right financial partner will help you plan for the future and manage investments with you and your family's best interests first and foremost. No need to look further...you've found the right partner at ACNB Bank.

Securities and Insurance Products are: NOT FDIC INSURED • MAY LOSE VALUE • NOT BANK GUARANTEED • NOT A DEPOSIT • NOT INSURED BY ANY FEDERAL GOVERNMENT ENTITY



ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, Edward G. Puhl, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.

All rights reserved.

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, July 12, 2019 at 8:30 a.m.

**ADAMS**—Orphans' Court Action Number OC-82-2017. The First and Final Account of Barbara A. Rudisill of Richard W. Adams, deceased, late of Franklin Township, Adams County, Pennsylvania.

**SHOWERS**—Orphans' Court Action Number OC-48-2019. The First and Final Account of Doris A. Showers, Administratrix CTA of Walter C. Showers, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**WARREN**—Orphans' Court Action Number OC-62-2019. The First and Final Account of Ruby Warren, Executrix of Bill H. Warren, a/k/a Bill Howe Warren, deceased, late of Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

6/28 & 7/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that the FREEDOM CHRISTIAN SCHOOLS, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Karissa A. Costello  
3185 York Road  
Gettysburg, PA 17325  
717-624-3884

6/28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 20, 2019, a petition for name change was filed in the Court of Common Pleas of Adams County, Pennsylvania requesting a decree to change the name of Petitioner Alexandra M. Morrissett to Alexandra M. Hawk. The Court has affixed August 2, 2019 at 10:00 am in courtroom #4, third floor of the Adams County Courthouse as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the Petition should not be granted.

6/28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 20, 2019, a petition for name change was filed in the Court of Common Pleas of Adams County, Pennsylvania requesting a decree to change the name of Petitioner Tanner R. Morrissett to Tanner R. Hawk. The Court has affixed August 2, 2019 at 10:00 am in courtroom #4, third floor of the Adams County Courthouse as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the Petition should not be granted.

6/28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 20, 2019, a petition for name change was filed in the Court of Common Pleas of Adams County, Pennsylvania requesting a decree to change the name of Petitioner William J. Morrissett V to William J. Hawk. The Court has affixed August 2, 2019 at 10:00 am in courtroom #4, third floor of the Adams County Courthouse as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the Petition should not be granted.

6/28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 16, 2019, the Petition of Oddy Berenice Pacoricuna Cabrera was filed in the Court of Common Pleas of Adams County, Pennsylvania, requesting an Order be entered to change the name of Oddy Berenice Pacoricuna Cabrera to Berenice Oddy Brown.

The Court has scheduled a hearing on the Petition to be held on August 2, 2019 at 9:30 a.m., in Courtroom No 4 of the Adams County Courthouse, Gettysburg, Pennsylvania, when and where all interested parties may appear and show cause, if any, why the relief requested in the Petition should not be granted.

6/28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVING that on May 31, 2019, a petition for change of name of a minor 2019-SU-657 was filed in the Court of Common Pleas of Adams County, PA, requesting to change the name from Devin Blake Taylor to Devin Blake Bryant. A hearing is set for August 2, 2019 at 11:00 a.m. in court room No 4, third floor, Adams County Court House. All persons interested in the proposed change of name may appear and show cause, if any they have, why the Petition should not be granted.

Jen Bryant  
Hanover, PA

6/28

## WILLIAM G. WOODSON VS. WANDA K. WOODSON

1. The survivor benefit is a vested property interest of Wife, separate and distinct from Husband's pension. It is well-settled that such an annuity is marital property for purposes of a divorce action and should be assessed to her in the equitable distribution scheme. Thus, the Master erred in failing to account for its present value as a marital asset in the equitable distribution scheme outlined on pages 12-13 of the Report and Recommendation.

2. If the *Palladino* decision were not controlling as to the issue of Wife's survivor benefit annuity, then the Master's judgment would have been left undisturbed by the undersigned. However, the failure to include the present value of Wife's survivor benefit plan in the overall equitable distribution scheme, as mandated by *Palladino*, necessarily alters the allocation of assets and liabilities.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, 18-S-262, WILLIAM G. WOODSON VS.  
WANDA K. WOODSON

Barbara Jo Entwistle, Esq., Attorney for Plaintiff  
Patrick W. Quinn, Esq., Attorney for Defendant  
Simpson, J., May 28, 2019

### OPINION REGARDING EXCEPTIONS TO MASTER'S REPORT

#### FACTS AND PROCEDURAL HISTORY

William G. Woodson (Husband) and Wanda K. Woodson (Wife) were married on March 22, 1986 and separated in March of 2018. On March 15, 2018, Husband filed his Complaint in Divorce under sections 3301 (c) and (d) of the Divorce Code with a claim for Equitable Distribution. Wife was served with the Complaint on March 20, 2018. Wife then filed a Petition raising claims for Alimony Pendente Lite (A.P.L.), Counsel Fees and Expenses, and Alimony. The Divorce Master was appointed on October 10, 2018 to resolve all outstanding claims.

The Divorce Master's Hearing was held on January 16, 2019. The Master's Report and Recommendation was timely filed on February 13, 2019. The Master found the net marital estate to equal \$368,194.23. Husband was awarded the former marital residence consisting of a mobile home (\$35,493), the present value of the marital portion of his pension (\$186,931.00), a 1998 Jeep (\$1,292), a 2016 Jeep Patriot (\$15,074.00), a Chevrolet Blazer (\$1,200), personal property (\$7,169), the Member's 1st checking account

(\$1,137.33), the Member's 1st savings account (\$623.17), the cash value of Husband's life insurance (\$1,898.74), and the value of Husband's IRA (\$20,000.18). The Master assigned the following debts to Husband: The DiTech loan on the mobile home (\$21,606.13), the debt on the 2016 Jeep (\$15,074), an IRS debt (\$2,618), debt for delinquent income tax (\$1,199.43), and debt for delinquent tax on the mobile home from 2017 (\$480). Wife was awarded a 2010 Ford Fusion (\$3,135), jewelry (\$7,390), personal property (\$1,211), ACNB checking account (\$3,171), cash value of Wife's life insurance (\$6,450.06), cash value of life insurance policy on the parties' children (\$2,418.75 and \$2,081.75), and Wife's 401K (\$116,089.28). The Master also assigned the following marital debts to Wife: Chase credit card (\$1,496.90), Kohl's credit card (\$1,528.89), and the Bank of America credit card (\$567.68). Finally, the Master did not award counsel fees and directed that court costs were borne by the party who filed for divorce. The Master's fees were divided equally between the parties.

The Master analyzed the equitable distribution factors pursuant to 23 Pa. C.S.A. §3502. The Master found factors 1, 2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17 to be neutral and factors 3, 4, 6, and 8 to favor Husband. The Master found that no factors favored Wife.

On February 22, 2019, Husband timely filed the following exceptions:

1. The Master erred in refusing to include Wife's survivor benefit, which Husband believes is vastly understated, given Husband's medical condition.
2. The Master erred in including as marital property 100% of the current value of Husband's anticipated lifetime pension benefit while omitting the current value of Wife's anticipated survivor benefit.
3. The Master erred in awarding Husband 100% of a future speculative benefit and awarding to Wife 100% of the current cash value of Wife's 401(k).
4. Given the modest value of the total marital assets, the master erred in assigning to Husband \$186,931.00 as an immediate offset of the marital property.
5. The Master erred in determining that Wife would not have an opportunity to acquire assets in the future "in so much as her

income would be used to make her bills and there would not be money to acquire anything other than necessities.” Accordingly, the Master erred in finding Factor #12 was neutral for equitable distribution purposes.

6. The Master erred in failing to award a payment to Husband from Wife’s 401(k) plan “in so much as the Master assigned other liabilities for her to take care of that were joint marital debt.” In fact, the Master ordered Wife to pay only \$3,593.47 in joint marital debt and ordered Husband to pay \$40,977.56 in joint marital debt.
7. The Master incorrectly found the debt on Husband’s 2016 Jeep Patriot to be \$15,074.00 (date of the hearing) instead of the \$18,964.00 owed as the date of separation.
8. The Master erred in finding Factor #8, Employability, only slightly in favor of Husband given that Husband is medically unemployable and at age 63 years and Wife is fully employed and anticipated being so employed for the next twelve (12) to fourteen (14) years.

Husband timely filed his Brief in Support of Exceptions to Master’s Report and Recommendation on March 15, 2019. Wife timely filed her Brief to Uphold the Master’s Report and Recommendation on March 21, 2019.

### DISCUSSION

The trial court’s standard of review of a Master’s Report and Recommendation is as follows:

[A] master's report and recommendation, although only advisory, is to be given the fullest consideration, particularly on the question of credibility of witnesses, because the master has the opportunity to observe and assess the behavior and demeanor of the parties.

***Childress v. Bogosian***, 12 A.3d 448, 455-56 (Pa. Super. 2011) (citations omitted). An abuse of discretion is only found upon a showing of clear and convincing evidence. ***Zollars v. Zollars***, 579 A.2d 1328, 1330 (Pa. Super. 1990) (citations omitted). The “[f]inder of fact is entitled to weigh evidence presented and assess its credibility with respect to equitable distribution and fact finder is free to believe all, part, or none of the evidence and the Superior Court will not disturb

credibility determinations of the court below.” *Murphy v. Murphy*, 599 A.2d 647 (Pa. Super. 1991), *appeal denied*, 606 A.2d 902 (Pa. 1992), *certiorari denied*, 113 S.Ct. 196, 506 U.S. 868, 121 L.Ed.2d 139 (1992).

## HUSBAND’S EXCEPTIONS

### Husband’s Exceptions One through Four

Husband’s first four exceptions challenge the Master’s valuation and treatment of his pension and Wife’s survivor benefit annuity, therefore they will be addressed in tandem. Husband concurs in the 62%/38% distribution percentage crafted by the Master, but argues that the Master erred by failing to include as a marital asset Wife’s survivor benefit annuity derived from Husband’s pension from his employment with International Paper Company. Husband complains that the Master included 100% of the present value of Husband’s anticipated lifetime pension benefit in the equitable distribution scheme while erroneously omitting the current value of Wife’s anticipated benefit.<sup>1</sup> Husband argues that it is more equitable to apportion Husband’s monthly pension benefit now, so that the parties share equitably in that available asset.

In July of 2016, Husband elected an irrevocable joint and 100% survivor annuity for Wife. *Pl. Exhibit 6*. Consequently, Wife will receive the amount of \$1,327.81 per month after Husband’s death, for the remainder of her lifetime. *Pl. Exhibit 6*. This is the same amount that Husband currently receives each month from the pension, as it is now in pay status. *Id.* The Master did not include the present value of the survivor benefit in the recommended equitable distribution scheme. Acknowledging the speculative nature of such a benefit, the Master noted:

It is understood that the pension that Husband has designates Wife as his survivor beneficiary. She shall enjoy that asset from the date of his death until the date of her death. It is impossible to determine percentages in light of the fact that benefit has a future benefit that the Master has acknowledged Wife will receive in the future.

---

<sup>1</sup> In fact, the Master correctly included the present value of the *marital portion* of Husband’s pension as a marital asset, not 100% of the *total* value of his pension, as Husband seems to indicate in his second exception.

Husband is to retain his pension as he needs it to survive at this time.

***Master's Report at 14.***

This survivor benefit is a vested property interest of Wife, separate and distinct from Husband's pension. It is well-settled that such an annuity is marital property for purposes of a divorce action and should be assessed to her in the equitable distribution scheme. **23 Pa. C.S.A. § 3501, *Palladino v. Palladino***, 713 A.2d 676, 679 (Pa. Super.1998). Thus, the Master erred in failing to account for its present value as a marital asset in the equitable distribution scheme outlined on pages 12-13 of the Report and Recommendation.

The present values of Wife's survivor annuity and Husband's pension were calculated by actuarial analysts from Conrad Siegel, using the marital coverture fraction approach as prescribed in 23 Pa. C.S.A. §3501(c), with discounts applied based upon age and life expectancy as dictated by standard actuarial tables. The Conrad Siegel valuations were admitted into evidence in Plaintiff's Exhibit 7. The present value of Husband's pension was determined to be \$265,905.00. The marital portion value of the pension was determined to be \$186,931.00, or .7030% of the lifetime value. Of the \$1,327.81 Husband receives per month, \$933.45 is the marital portion defined by the coverture fraction. The marital portion of the present value of Wife's 100% survivor annuity was valued at \$117,094.00. Pl. ***Exhibit 7***. This value was calculated in accordance with the ***Palladino*** decision, meaning that the present value is based on an actuarial method which considers survival probabilities for each party, and arrives at a value which represents the estimated cost at the current time to purchase a single premium annuity contract that would provide the accrued benefit to the survivor annuitant. As stated by the Court in ***Palladino***, "the actuary's computation of the annuity's value is a valid assessment of its value as marital property in relation to the total amount of the pension accumulated during coverture." ***Id.***, 713 A.2d at 680-81.

As the ***Palladino*** decision mandates the inclusion of the present value of Wife's survivor annuity as a marital asset, we must next determine the method of allocation of Husband's pension and Wife's survivor benefit annuity in conjunction with the distribution of the remaining assets and liabilities in the marital estate, with the goal of

effectuating economic justice for these parties. The Divorce Code allows for two methods of allocating defined benefit plans, which are the deferred distribution method and the immediate offset method. **23 Pa. C.S.A. §3501(c) and (d)**. The immediate offset method divides benefits at the time of equitable distribution by assigning present value to the marital portion of the asset. *Palladino*, 713 A.2d at 680. The deferred distribution method requires the court to reserve jurisdiction over assets as they mature or enter pay status. *Id.* (citations omitted).

The immediate offset method distributes the present value of the pension benefits at the time when distribution is made and has the advantage of avoiding continued entanglements between the parties. The immediate offset method “is preferred where the estate has sufficient assets to offset the pension.” *DeMarco v. DeMarco*, 787 A.2d 1072 (Pa.Super.2001). The deferred distribution is preferable when dividing unvested retirement benefits and/or when the parties’ other marital assets are insufficient to offset an award of a share of the marital property portion of a pension to the non-employee spouse. *Berrington v. Berrington*, 598 A.2d 31, 35–36 (Pa. Super. 1991) (citations omitted). “The trial court must weigh the advantages and disadvantages of each method of distribution according to the facts of each case in order to determine which method best affects economic justice between the parties.” *Id.* “Normally, the immediate offset method, determined by the coverture fraction as applied to the value of the pension, is preferred when the pension is vested and in pay status.” *Palladino*, 713 A.2d at 680.

In the instant case, Husband believes that the Master erred in assigning Husband the value of his pension as an immediate offset of the marital property. Husband’s pension is currently vested and in pay status. The Master, utilizing the present value of the marital portion of the pension (\$186,931), applied the immediate offset method to Husband’s pension and gave the entire marital portion of Husband’s pension to Husband. Husband argues that the immediate offset method was improperly applied to his pension because there are no other assets of sufficient value to offset Husband’s future retirement value. The immediate offset method is to be used when there are sufficient assets to *offset the pension*, meaning that the spouse not receiving the pension receives sufficient assets to offset the other spouse receiving the large pension. The spouse receiving



the large pension wouldn't also receive a large portion of the remaining assets, as this would be inequitable. Here, there are sufficient assets to award to Wife to offset Husband receiving his entire pension, which is the reason the Master allocated the marital estate in such a fashion.

The practical reasoning of Husband's argument is that he prefers to have liquid assets now, as he believes he does not have a long life expectancy due to failing health. Evidence was presented that Husband is unemployable and has several fairly serious medical issues. His two forms of income are his pension and social security disability benefits. Husband is 62 years old, whereas Wife is 51 years of age. Wife continues to work full-time and contributes regularly to her 401(k) plan. In evaluating these factors, it made sense for the Master to allocate 100% of the present value of the marital portion of Husband's pension to him, while awarding the value of Wife's 401(k) to her in anticipation of her future retirement. In addition, as Husband's pension is in pay status, the immediate offset method is the preferred method of allocation of this asset, thus the Master did not err in utilizing this approach. If the *Palladino* decision were not controlling as to the issue of Wife's survivor benefit annuity, then the Master's judgment would have been left undisturbed by the undersigned. However, the failure to include the present value of Wife's survivor benefit plan in the overall equitable distribution scheme, as mandated by *Palladino*, necessarily alters the allocation of assets and liabilities.

In light of the conclusions reached herein, the Master's distribution chart located on page 25 of the Report and Recommendation is amended to include the present value of Wife's survivor benefit annuity (\$117,094) in Wife's column. In light of that, we must determine the appropriate allocation of the marital estate in light of the Master's evaluation of the equitable distribution factors. **23 Pa. C.S.A. §3502.** Husband complains that the Master's distribution has left him with the bulk of the marital debt with little cash leftover to meet his expenses, as opposed to Wife, who is currently able to pay her expenses, make routine contributions to her 401(k) plan and have some money leftover at the end of each month. In consideration of Husband's argument, along with the disparity in the parties' ages, their current health circumstances, their relative needs, employability

status, incomes, expenses and each party's opportunity to obtain additional assets, persuades the undersigned that an equitable distribution approach that affords Husband a cash offset from Wife's 401(k) would allow him to pay off the mobile home in which he resides and the debt on his vehicle<sup>2</sup>, while allowing Wife to retain the bulk of her 401(k) funds.<sup>3</sup> This approach also offers the substantial benefit of disentangling the parties from one another sooner rather than later.

In Order to accomplish this task, Wife will be ordered to pay Husband the amount of \$37,068 from her 401(k) account within ninety (90) days of the date of issuance of the Decree in Divorce. This Court is mindful that the result of the Master's allocation was a 62%/38% split in favor of Husband. The amended distribution results in approximately a 55%/45% split in favor of Husband. A modified distribution chart is attached to this Opinion for reference purposes. The modified distribution takes into account that the overall analysis of the equitable distribution factors favors Husband and, more importantly, has the practical effect of enabling Husband to extinguish his share of the existing marital debt. Husband will, therefore, have more cash available to him each month, and Wife will retain a large portion of the marital value of her retirement asset. This result also considers the speculative nature of the Wife's survivor annuity benefit, which may never come to fruition if Husband outlives her, or may be of lesser value to her if Husband survives for many more years.

#### Husband's Fifth Exception

Husband's fifth exception is that the Master erred in determining that Wife would not have an opportunity to acquire assets in the future "in so much as her income would be used to make her bills and there would not be money to acquire anything other than necessities." Husband argues that this particular equitable distribution factor should have been found in his favor, and not deemed neutral by the Master. Wife voluntarily contributes to her 401(k) plan regularly, which will allow Wife to increase her assets. Further, even after the

---

<sup>2</sup> Utilizing the values as determined by the Master.

<sup>3</sup> Husband testified he has already paid the IRS debt, delinquent income tax and 2017 delinquent tax on the mobile home, thus these debts do not remain outstanding. Tr. at 54-56.

401(k) deduction from Wife's paycheck, she is still left with \$500 in excess income after her bills are paid, whereas Husband is left with \$40. While it appears that Wife will have more ability to acquire additional contributions to her 401(k) account as she continues to work, the Master was within his discretion to determine that this is not a *significant* opportunity to acquire assets in the future. Therefore, the Master did not err in determining that this factor was neutral. Even if the Master determined this factor to be in Husband's favor, it is unlikely that the overall distribution scheme would have been amended, as Husband is already receiving a large portion of the marital estate. Thus, any error is harmless. This exception is therefore denied.

#### Husband's Sixth Exception

Husband's sixth exception is that the Master erred in failing to award a payment to Husband from Wife's 401(k) plan "in so much as the Master assigned other liabilities for her to take care of that were joint marital debts." ***Master's Report p. 13***. The Master allocated \$40,977.56 in marital debt to Husband and \$3,593.47 in marital debt to Wife. A large portion of this debt is connected to the house in which Husband continues to reside and for a new vehicle he purchased a few weeks before he filed for divorce. In light of the undersigned's decision to include the present value of Wife's survivor annuity and the resulting adjustment to the equitable distribution scheme, this exception is denied.

#### Husband's Seventh Exception

Husband's seventh exception is that the Master erred in finding the debt on Husband's 2016 Jeep Patriot to be \$15,074.00 (the purchase price) instead of the \$18,964.00 owed as of the date of separation. During the Master's hearing, on direct examination of Husband, the following dialogue occurred:

**Q:** And what was the amount of that you actually paid for the vehicle?

**A:** \$16,274.40

**Q:** But was there a trade-in that was a marital asset?

**A:** Yes.

**Q:** So what did you owe on the date of separation?

**A:** \$15,074.40

***Tr. at 30-31.***

Later on in the proceeding, the following testimony was adduced:

**By Attorney Entwistle:** Number 17. I would like to direct your attention to that. Is that the installment contract on the Jeep?

**A:** Yes, ma'm.

**Q:** And is that where the amount of \$18,964 appears for what you owe over the terms of the loan?

**A:** Yes.

**Q:** And the amount financed was \$15,074?

**A:** Yes

**By the Master:** Excuse me. You previously said \$16,274.

**Attorney Entwistle:** Well, there was a trade in of a marital...

**The Master:** \$1,200 on the Blazer.

**Attorney Entwistle:** Um-hmm.

**The Master:** So are you adding—I don't—your numbers don't make any sense.

**Attorney Entwistle:** Well, I guess, the value of the vehicle, I guess, would have been the \$16,000 then because there was a credit on that, but the value of the vehicle would have been the \$16,000, and that's again 17—no, that's not 17. That is exhibit number 3. Total price, \$16,274, \$1,200 credit.

***Tr. at 40-41.***

The Master accepted the values as they were presented to him. The Master asked additional clarifying questions to ensure that he had the correct amount. The Master was well within his purview to utilize the values provided by Husband and his counsel. This exception is denied.

#### Husband's Eighth Exception

Husband's eighth exception is that the Master erred in finding Factor #8, "employability" only slightly in favor of Husband. Husband argues that this factor should have been "substantially" in favor of Husband. Husband is 63 years old, retired on disability, and unemployable. Wife is currently employed and has no health problems which impact her ability to work. Even if the Master would have found that this factor "substantially" favors Husband, it is unlikely that this would have had any significant effect on the

equitable distribution scheme, thus any error in this conclusion is harmless and this exception is denied.

An Order is entered accordingly.

### ORDER OF COURT

AND NOW, this 28th day of May 2019, in accordance with the attached Opinion, it is ORDERED that:

1. Husband's exceptions one through four are GRANTED, in that the equitable distribution scheme is hereby amended to include the present value of Wife's survivor annuity benefit. The equitable distribution scheme shall proceed according to the chart appended to this Court's Opinion. Consequently, Wife shall roll over the amount of \$37,068 from her 401(k) account into a qualified account for Husband in such a fashion that penalty and tax consequences for this transaction are avoided. This shall be accomplished within ninety (90) days of the date of this Order.
2. Husband's fifth, sixth, seventh, and eighth exceptions are DENIED.
3. All of the Master's recommendations in his Report which do not conflict with this Order are affirmed as a final Order.
4. A Decree in Divorce pursuant to 23 Pa. C.S.A. §3301 (c) shall issue forthwith, in which the terms of this Order shall be incorporated, but not merged.

# RECOMMENDED EQUITABLE DISTRIBUTION

As to Assets and Debts.

The assets and debts are distributed as follows:

<u>ASSETS</u>	<u>VALUE</u>	<u>HUSBAND</u>	<u>WIFE</u>
Mobile Home	\$35,493.00	\$35,493.00	
Husband's Pension	\$186,931.00	\$186,931.00	
1998 Jeep	\$1,292.00	\$1,292.00	
2016 Jeep Patriot	\$15,074.00	\$15,074.00	
Chevrolet Blazer	\$1,200.00	\$1,200.00	
2010 Ford Fusion	\$3,135.00		\$3,135.00
Jewelry	\$7,390.00		\$7,390.00
Personal property	\$8,380.00	\$7,169.00	\$1,211.00
Member's 1 <sup>st</sup> Savings Account	\$623.17	\$623.17	
Member's 1 <sup>st</sup> Checking Account	\$1,137.33	\$1,137.33	
ACNB Bank Checking Account	\$3,171.00		\$3,171.00
Life Insurance cash value (Husband)	\$1,898.74	\$1,898.74	
Life Insurance cash value (Wife)	\$6,450.06		\$6,450.06
Life Insurance cash value (Jamie/Wife)	\$2,418.75		\$2,418.75
Life Insurance cash value (Joshua/Wife)	\$2,081.75		\$2,081.75
Wife's 401K	\$116,089.28		\$116,089.28
Wife's Survivor Annuity	\$117,094.00		\$117,094.00
Husband's IRA	\$20,000.18	\$20,000.18	
<b>TOTAL ASSETS:</b>	<b>\$529,859.26</b>	<b>\$270,818.42</b>	<b>\$259,040.84</b>
<u>DEBTS</u>			
DiTech loan on mobile home	\$21,606.13	\$21,606.13	
2016 Jeep Patriot	\$15,074.00	\$15,074.00	
Chase credit card	\$1,496.90		\$1,496.90
Kohl's credit card	\$1,528.89		\$1,528.89
Bank of American credit card	\$567.68		\$567.68
IRS Debt	\$2,618.00	\$2,618.00	
Delinquent Income Tax	\$1,199.43	\$1,199.43	
Delinquent tax on mobile home – 2017	\$480.00	\$480.00	
<b>TOTAL DEBTS:</b>	<b>\$44,571.03</b>	<b>\$40,977.56</b>	<b>\$3,593.47</b>
<b>NET MARITAL ESTATE</b>	<b>\$485,288.23</b>	<b>\$229,840.86</b>	<b>\$255,447.37</b>

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 19th day of July 2019, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 18-SU-568**

**Nationstar Mortgage LLC d/b/a  
Champion Mortgage Company**  
vs.

**Philip C. Aldinger, Jr., in his capacity  
as heir of Doris E. Aldinger,  
deceased, Lynn E. Aldinger, a/k/a  
Lynnwood Aldinger, in his capacity as  
heir of Doris E. Aldinger, deceased,  
unknown heirs, successors, assigns  
and all persons, firms or associations  
claiming right, title or interest from or  
under Doris E. Aldinger, deceased**  
Address: 6425 Old Harrisburg Road,  
York Springs, PA 17372  
Parcel: 22105-0032---000  
Improvements: Residential Property  
Judgment: \$111,359.40  
Attorneys for Plaintiff:  
RAS Citron LLC

**No. 18-SU-1208**

**JPMorgan Chase Bank, National  
Association**  
vs.

**Timothy D. Becker**  
Address: 515 Lexington Way,  
Littletown, PA 17340  
Parcel: 27013-0023---000  
Littletown Borough, Adams County,  
Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$211,503.05  
Attorneys for Plaintiff:  
Phelan Hallinan Diamond & Jones, LLP

**No. 18-SU-1211**

**Ditech Financial LLC**  
vs.

**Rebecca A. Bennett, Nathaniel D.  
Francisco, Gerard P. Michaels**  
Address: 26 N. Franklin Street,  
Gettysburg, PA 17325  
Parcel: 16007-0147-000  
Gettysburg Borough, Adams County,  
Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$94,266.97  
Attorneys for Plaintiff:  
KML Law Group, P.C.

**No. 18-SU-626**

**American Advisors Group**  
vs.

**Michele Carter, Administratrix of the  
Estate of Thomas J. Carter**  
Address: 96 Greenbriar Road, York  
Springs, PA 17372  
Parcel: 22105-0068---000  
Huntington Township, Adams County,  
Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$144,533.88  
Attorneys for Plaintiff:  
McCabe, Weisberg & Conway, LLC  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

**No. 16-SU-303**

**World Business Lenders, LLC**  
vs.

**Eastern Shoe Company, LLC,  
Pennsylvania Imports, Katrina J.  
McClelland, Attai Husnain Shahzad**  
Address: 35 and 51 Cashman Road,  
New Oxford, PA 17350  
Parcel: 40107-0039B-000  
Tyrone Township, Adams County  
Improvement: Residential Dwelling  
Judgment: \$126,285.42  
Attorneys for Plaintiff:  
Flaherty Fardo, LLC  
Noah P. Fardo, Esq.  
812 Ivy Street  
Pittsburgh, PA 15232  
412-802-6666

**No. 19-SU-101**

**JPMorgan Chase Bank, National  
Association**  
vs.

**Joshua W. Francisco, Megan C.  
Beaty**

Address: 198 Hunterstown Hampton  
Road, Gettysburg, PA 17325  
Parcel: 38H10-0059.00-00000  
Straban Township  
Improvements: Residential Dwelling  
Judgment: \$135,688.36  
Attorneys for Plaintiff:  
Katherine M. Wolf, Esq.

**No. 18-SU-672**

**Deutsche Bank National Trust  
Company as Trustee for Indymac  
Indx Mortgage Loan Trust 2006-  
AR12, Mortgage Pass-Through  
Certificates Series 2006-AR12**  
vs.

**Geoffrey W. Grabowski**  
Address: 31 Ridge Trail, Fairfield, PA  
17320  
Parcel: 43-012-0001-000  
Carroll Valley Borough, formerly  
Hamiltonban Township, Adams County,  
Pennsylvania  
Judgment: \$109,531.00  
Improvements: Residential Dwelling  
Attorneys for Plaintiff:  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976

**No. 19-SU-152**

**Bank of New York Mellon Trust  
Company, N.A. as Trustee for  
Mortgage Assets Management Series I  
Trust**  
vs.

**Anna M. Herrick, Executrix of the  
Estate of Mary C. Neiderer, Deceased**  
Address: 311 South Street,  
McSherrystown, PA 17344  
Parcel: 28006-0024---000  
McSherrystown Borough  
Improvements: Residential Dwelling  
Judgment: \$141,163.01  
Attorneys for Plaintiff:  
Shapiro & Denardo, LLC

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller  
Sheriff of Adams County

www.adamscounty.us

6/21, 6/28 & 7/5

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 19th day of July 2019, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 18-SU-1126****Ditech Financial LLC f/k/a Green Tree Servicing LLC**

vs.

**Sue A. Johnson, William P. Johnson**Address: 1013 Heritage Drive,  
Gettysburg, PA 17325

Parcel: 30111-0003---000

Mount Joy Township, Adams County,  
Pennsylvania

Improvements: Residential Dwelling

Judgment: \$260,933.34

Attorneys for Plaintiff:

KML Law Group, P.C.

**No. 18-SU-1042****Bayview Loan Servicing, LLC**

vs.

**Barbara A. Jones, Theodore W. Jones,  
Jr., the unknown heirs of Barbara A.  
Jones**Address: 95 Orrtanna Road, Cashtown,  
PA 17310

Parcel: 12C10-0197-000

Franklin Township, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$61,839.20

Attorneys for Plaintiff:

KML Law Group, P.C.

**No. 14-SU-748****PNC Bank, National Association**

vs.

**Julie A. Langas, Elias N. Langas**Address: 971 McLaughlin Road,  
Fairfield, PA 17320

Parcel: 25-D15-0033---000

Liberty Township, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$94,243.24

Attorneys for Plaintiff:

KML Law Group, P.C.

**No. 18-SU-276****Branch Banking and Trust Company  
vs.****Joshua Lee Miller, Kimberly  
Glatfelter, known surviving heir of  
Joshua L. Miller, unknown surviving  
heirs of Joshua L. Miller**

Address: 535 Peepytown Road, East

Berlin, PA 17316

Parcel: 36K08-0066B---000

Reading Township, Adams County,

Pennsylvania

Improvements: Residential Dwelling

Judgment: \$87,937.10

Attorneys for Plaintiff:

McCabe, Weisberg &amp; Conway, LLC

123 South Broad Street, Suite 1400  
Philadelphia, PA 19109**No. 17-SU-1049****Branch Banking and Trust Company  
vs.****Joshua Lee Miller, Kimberly Glatfelter,  
known surviving heir of Joshua L.  
Miller, unknown surviving heirs of  
Joshua L. Miller**

Address: 535 Peepytown Road, East

Berlin, PA 17316

Parcel: 36K08-0066B---000

Reading Township, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$30,761.59

Attorneys for Plaintiff:

McCabe, Weisberg &amp; Conway, LLC

**No. 18-SU-1031****Amerihome Mortgage Company, LLC  
vs.****Leslie John Mohan, Michelle Lynn  
Mohan**Address: 38 Howard Drive, East Berlin,  
PA 17316

Parcel: 23104-0017-000

Latimore Township, Adams County,

Pennsylvania

Improvements: Residential Dwelling

Judgment: \$165,324.96

Attorneys for Plaintiff:

KML Law Group, P.C.

**No. 19-SU-199****Branch Banking and Trust Company  
s/b/m Susquehanna Bank s/b/m  
Community Banks**

vs.

**Edward E. Monroe, Donna Lynn  
Monroe**Address: 722 Rentzel Road, Biglerville,  
PA 17307

Parcel: 38G09-0007

Straban Township, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$58,491.62

Attorneys for Plaintiff:

Phelan Hallinan Diamond &amp; Jones, LLP

**No. 16-SU-1323****Abbottstown Borough  
vs.****Christopher Wayne Moore, Merita K.  
Moore**

Address: 312 Sutton Road,

Abbottstown, PA 17301

Parcel: 01005-0003-000 Combined

W/01005-0013---000

Abbottstown Borough, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$22,024.00

Attorneys for Plaintiff:

Salzmann Hughes, P.C.

Timothy J. Shultis

**No. 17-SU-311****Quicken Loans Inc.**

vs.

**Jay Prise**

Address: 217 Center Street,

McSherrystown, PA 17344

Parcel: 28006-0107---000

McSherrystown Borough, Pennsylvania

Improvements: Residential Dwelling

Judgment: \$149,660.88

Attorneys for Plaintiff:

Stern &amp; Eisenberg, PC

1581 Main Street, Suite 200

The Shops at Valley Square

Warrington, PA 18976

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller

Sheriff of Adams County

www.adamscounty.us

6/21, 6/28 &amp; 7/5



SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 19th day of July 2019, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 19-SU-6**  
**Nationstar Mortgage LLC d/b/a**  
**Champion Mortgage Company**  
**vs.**

**Steven Rucker, solely in his capacity as heir of Jean F. Mauss, deceased**  
Address: 524 Prince Street, Littlestown, PA 17340  
Parcel: 27004-0008-0000  
Littlestown Borough, Adams County, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$149,879.23  
Attorneys for Plaintiff:  
KML Law Group, P.C.

**No. 19-SU-76**  
**Pennymac Loan Services, LLC**  
**vs.**

**Stacey L. Sheads**  
Address: 72 Country Drive, Gettysburg, PA 17325  
Parcel: 32-004-0105-000  
Mt. Pleasant Township  
Improvements: Residential Dwelling  
Judgment: \$234,690.76  
Attorneys for Plaintiff:  
Powers Kirn LLC

**No. 18-SU-1140**  
**Bank of America, N.A.**  
**vs.**

**Eva Bonn Smith, individually and in her capacity as heir of Walter R. Comer, Jr., deceased, unknown heirs, successors, assigns, and all persons, firms, or associations claiming right, title or interest from or under Walter R. Comer, Jr., Deceased**  
Address: 1341 Harney Road, Littlestown, PA 17340  
Parcel: 15H18-0026---000  
Germany Township, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$218,546.71  
Attorneys for Plaintiff:  
Phelan Hallinan Diamond & Jones, LLP

**No. 18-SU-1187**  
**Carrington Mortgage Services, LLC**  
**vs.**

**Thomas Taylor, Administrator of the Estate of Dawn Ellis, deceased**  
Address: 1101 Frederick Pike, Littlestown, PA 17340  
Parcel: 15117-0113-000  
Germany Township, Adams County, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$201,892.21  
Attorneys for Plaintiff:  
Samantha Gable, Esq.

**No. 18-SU-1319**  
**Nationstar Mortgage LLC d/b/a Mr. Cooper**  
**vs.**

**Thu Thuy Tran**  
Address: 93 North Orchard View Drive, Hanover, PA 17331  
Parcel: 04L11-0225---000  
Berwick Township, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$370,695.44  
Attorneys for Plaintiff:  
KML Law Group, P.C.

**No. 11-SU-317**  
**21St. Mortgage Corporation**  
**vs.**

**Timothy L. Wilkinson, Christine M. Wilkinson**  
Address: 757 Gablers Road, Gardners, PA 17324  
Parcel: 29-F404-0047A-000  
Menallen Township, Adams County, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$266,208.90  
Attorneys for Plaintiff:  
KML Law Group, P.C.

**No. 18-SU-1239**  
**Bayview Loan Servicing, LLC**  
**vs.**

**Jacquelyn A. Wolford, Ronald E. Wolford**  
Address: 500 Main Street, McSherrystown, PA 17344  
Parcel: 28005-0248---000  
McSherrystown Borough, Pennsylvania  
Improvements: Residential Dwelling  
Judgment: \$199,733.02  
Attorneys for Plaintiff:  
KML Law Group, P.C.

**No. 19-SU-246**  
**ACNB Bank, Formerly Known As**  
**Adams County National Bank**  
**vs.**

**Earl M. Strickhouser**  
Address: 25 and 35 Aspers North Road, Aspers, PA 17304  
Menallen Township, Adams County, Pennsylvania  
Parcel: 29-001-0022---000 & 29-001-0022-001  
Improvements: Warehouse & Residential  
Judgment: \$163,948.34  
Attorneys for Plaintiff:  
CGA Law Firm

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller  
Sheriff of Adams County  
[www.adamscounty.us](http://www.adamscounty.us)  
6/21, 6/28 & 7/5



**ESTATE NOTICES**

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

**FIRST PUBLICATION****ESTATE OF WALTER EDWARD AVERY, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Executrix: Vicki Lynn Avery, 2429 Heidlersburg Road, Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Salzmann Hughes, PC, 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

**ESTATE OF CLAIR J. BANGE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Clair J. Bange, Jr., 6905 Church Road, Spring Grove, PA 17362; Glenn E. Bange, 1281 Honda Road, Hanover, PA 17331

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

**ESTATE OF FRED L. BISHOP, DEC'D**

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executrix: Tracy D. Paul, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

**ESTATE OF MARION E. FROCK, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Executor: Dennis A. Frock, 2525 Centennial Road, Hanover, PA 17331

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

**ESTATE OF NELLIE G. HARBOLD, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Thomas A. Harbold, 3 Barlow Drive, Gettysburg, PA 17325

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

**ESTATE OF LANI E. LINDEMAN, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: PNC Bank, NA, Attention: Linda J. Lundberg, Vice President, P.O. Box 308, Camp Hill, PA 17001-0308

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

**SECOND PUBLICATION****ESTATE OF JOANNE E. GOODLING, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Michael L. Goodling and Jeffrey L. Goodling, c/o John D. Miller, Jr., Esq., MPL Law Firm, LLP, 137 East Philadelphia Street, York, PA 17401-2424

Attorney: John D. Miller, Jr., Esq., MPL Law Firm, LLP, 137 East Philadelphia Street, York, PA 17401-2424

**ESTATE OF ROBERT C. MILLER, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Thomas D. Rogers, c/o J. Elvin Kraybill, Esq., Gibbel Kraybill & Hess LLP, P.O. Box 5349, Lancaster, PA 17606

Attorney: J. Elvin Kraybill, Esq., Gibbel Kraybill & Hess LLP, P.O. Box 5349, Lancaster, PA 17606

**THIRD PUBLICATION****ESTATE OF MARION LYNN CARTER, a/k/a MARION CARTER, DEC'D**

Late of Mount Pleasant Township, Adams County, Pennsylvania

Co-Executors: Melissa Lyn Carter, 109 E. Main Street, Thurmont, MD 21788; Richard Marion Carter, 680 Bulk Plant Road, Littlestown, PA 17340

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

**ESTATE OF EDITH M. HANLON, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Paul Frederick Hanlon, 317 Kindig Road, Littlestown, PA 17340

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

*Are your clients  
ready to give back?*

ADAMS COUNTY

**COMMUNITY  
FOUNDATION**

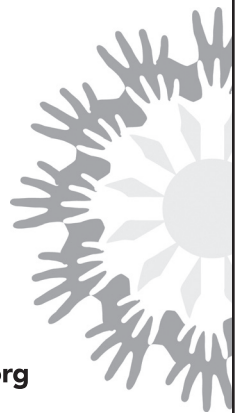
*For Good. For Adams County. For Ever.*

## When your clients want to talk about what matters to them, are you ready?

Put the **Adams County Community Foundation** on your team.

- Free, no-obligation consultations
- Expertise in philanthropic planning
- Respect for your client relationship
- Support for giving in Adams County, South Central PA and across the U.S.

**Contact us at 717-337-0060 or [info@adamscountycf.org](mailto:info@adamscountycf.org)** with questions or to discuss a specific scenario.



*Good for your client. Good for Adams County. Good for you.*