

# *Adams County* Legal Journal

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COMMONWEALTH VS. HOKE

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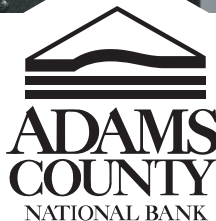
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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 008-S-1812 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 81 in Section O, more particularly bounded and described as follows:

BEGINNING at a point in the center of Apache Trail at Lot No. 82; thence by said lot, North 25 degrees 27 minutes 06 seconds East, 225 feet to Lot No. 75; thence by said lot, South 64 degrees 32 minutes 54 seconds East, 100 feet to Lot No. 80; thence by said lot, South 25 degrees 27 minutes 06 seconds West, 225 feet to the point in the center of said Apache Trail; thence in said Apache Trail, North 64 degrees 32 minutes 54 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled 'Section O, Charnita, Inc.' dated October 1, 1968, prepared by Evans, Hagan & Holdefer, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 1 at page 49.

BEING the same which Terry L. Stem and Rachel E. Stem, by her Attorney-in-Fact, Terry L. Stem, specially authorized by Power of Attorney recorded in Record Book 791 at page 52, husband and wife, by deed dated August 22, 2003 and recorded September 2, 2003 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 3277 at page 38, sold and conveyed unto Rodney Hutzell and Nicole Hutzell, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Rodney Hutzell, by Deed from Rodney Hutzell and Nicole Hutzell, dated 05/02/2007, recorded 05/07/2007 in Book 4828, Page 112.

Tax Parcel: (26) 0081

Premises Being: 225 North Apache Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Rodnay Hutzell a/k/a Rodney Gene Hutzell** 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 August 7, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/19, 26 & 7/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1434 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing iron pin at the western edge of a dirt lane on the northern boundary line of land now or formerly of Harry E. Neff; thence by said land of Harry E. Neff, North 54 degrees 09 minutes 00 seconds West, 439.61 feet to an existing bed rail at stones at corner of land now or formerly of James L. Riggeal; thence by said land of James L. Riggeal, South 87 degrees 06 minutes 40 seconds West, 173.30 feet to an existing stone at corner of land now or formerly of Charles P. Yager; thence by said land of Charles P. Yager, and by land now or formerly of Alex Kessel, North 37 degrees 57 minutes 00 seconds East, 258.72 feet to an iron pin at corner of other land now or formerly of

Dorothy E. Pfeiffer; thence by said land of Dorothy E. Pfeiffer, and passing through a reference iron pin set back 30.00 feet from the next mentioned point, South 54 degrees 09 minutes 00 seconds East, 608.54 feet to an iron pin in aforesaid dirt lane; thence in and along said dirt lane, South 51 degrees 55 minutes 00 seconds West, 156.20 feet to an existing iron pin, the place of BEGINNING, CONTAINING 2.195 Acres.

BEING the same which William D. Mowery and Dorma Lee Mowery, husband and wife, by deed dated the 20th day of May, 1977, which deed is recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 331 page 112, conveyed unto Roger D. Sidwell and Jane C. Sidwell, husband and wife, the grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Roger D. Sidwell, by Deed from Roger D. Sidwell and Jane C. Sidwell, h/w, dated 04/25/1995, recorded 05/02/1995 in Book 1024, Page 275.

Tax Parcel: (12) C10-0097B

Premises Being: 695 Bingman Road, Orttanna, PA 17353

SEIZED and taken into execution as the property of **Rodger D. Sidwell** 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 August 7, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/19, 26 & 7/2

## COMMONWEALTH VS. HOKE

1. When a defendant has filed a motion to suppress the burden is placed on the Commonwealth to establish by preponderance of the evidence that the challenged evidence is admissible.

2. Statements made during custodial interrogation are presumptively involuntary unless *Miranda* rights are given. Custodial interrogation has been defined as “questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of her freedom of action in any significant way.”

3. There is no prophylactic rule that a suspect must be rewarned of his constitutional rights every time a custodial interrogation is renewed. Rewarning is not necessary if there has been a clear continuity of interrogation.

4. The fact that Defendant was advised of her rights in a different place than where she was interrogated is not fatal to the Commonwealth. Additionally, it is not fatal to the Commonwealth’s case that the officer who gave *Miranda* warnings was not present in the room or the one questioning Defendant.

5. The question of voluntariness is not whether the defendant would have confessed without interrogation, but whether the interrogation was so manipulative or coercive that it deprived the defendant of his ability to make a free and unconstrained decision to confess.

6. Promises of benefits or special considerations, however benign in intent, comprise the sort of persuasion and trickery which easily can mislead suspects into giving confessions. However, there is no bright line rule that automatically excludes confessions made after promise of leniency. The mere fact that the officers may have told Defendant that things would go “good” if she cooperated does not, in light of the other factors, warrant suppression of her confessions.

7. The fact that Defendant was handcuffed does not render the interrogation coercive.

8. An issue is waived if it is not raised either in the suppression motion or in an oral motion. Suppressing evidence is improper if the court never takes any testimony or evidence at the suppression hearing on the issue.

9. The Municipal Police Jurisdiction Act must be liberally construed to effectuate the purposes of the Act, which include providing police with the authority to act in a law enforcement capacity outside their own jurisdictions under limited circumstances.

10. It does not necessarily follow that all confessions or admissions secured from an illegally arrested person are per se inadmissible as trial evidence. Whether particular evidence is admissible is determined by the facts of each case. The United States Supreme Court laid out a number of factors to be considered: 1) whether *Miranda* warnings were given; 2) the temporal proximity of the arrest and confession; 3) the presence of intervening circumstances; and 4) the purpose and flagrancy of the official misconduct.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, Nos. CR-79-2008, CR-83-2008, CR-211-2008 and CR-367-2008. COMMONWEALTH OF PENNSYLVANIA VS. BETSY ANN HOKE.

Sara Castillo, Esq., for Commonwealth

Peter Foster, Esq., for Defendant

Kuhn, P.J., October 8, 2008

## ORDER

AND NOW, this 8th day of October, 2008, in consideration of Defendant's Motion to Suppress filed June 30, 2008, and after hearing held August 18, 2008, the Court enters the following:

### FINDINGS OF FACT

1. On January 4-5, 2008, Chief Michael Weigand<sup>1</sup> of the Latimore Township Police Department, who is also an officer with the Eastern Adams Regional Police Department (Eastern Adams), heard numerous radio advisories informing officers to be on the look out for Defendant.<sup>2</sup>
2. On January 5, 2008, Officer Weigand received a call from Adams County Control at approximately 7:55 p.m. indicating that Defendant was possibly a passenger in an orange vehicle in the 4500 block of York Road.
3. That vehicle had been the target of a traffic stop in Hanover Borough but released prior to the time Officer Weigand was contacted.
4. Officer Weigand contacted the Pennsylvania State Police for assistance because the vehicle was located outside his jurisdiction. He was assisted by Trooper Ronald Carey<sup>3</sup> of PSP.
5. The Defendant was believed to be at 315 Court Lane in the Oxford Mobile Park. At approximately 8:00 p.m. the trooper and Officer Weigand arrived at that location. Trooper Carey knocked on the door of the subject residence and a male answered. Upon request Defendant exited the residence and was arrested by Officer Weigand.
6. Defendant was informed she was being arrested for theft.<sup>4</sup> At the time of arrest Officer Weigand was aware of two departments with charges pending against Defendant: Eastern Adams and McSherrystown.<sup>5</sup>

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<sup>1</sup>Chief Weigand is Act 120 certified and has taken numerous classes. He has been a municipal police officer for 18 years. Hereinafter he will be referred to as Officer Weigand because it appears that he was acting as an officer on behalf of Eastern Adams on January 5, 2008.

<sup>2</sup>Defendant was being investigated in Eastern Adams for Theft By Deception.

<sup>3</sup>Trooper Carey was trained at the Pennsylvania State Police Academy and has been with PSP approximately 3 years.

<sup>4</sup>It is not entirely clear which officer actually took Defendant into custody.

<sup>5</sup>An arrest warrant had been issued in McSherrystown Borough.

7. At approximately 8:05 p.m., while walking Defendant to his police cruiser, Officer Weigand administered *Miranda* warnings to her from memory. Defendant indicated she understood and gave no statements at that time. Trooper Carey was present and observed that interaction.
8. Trooper Carey left after the arrest and did not follow Officer Weigand when he drove Defendant to the Eastern Adams Police Department.
9. At approximately 8:20 p.m. Officer Weigand and Defendant arrived at the Eastern Adams Police Department. Defendant was escorted into the office in handcuffs.
10. At approximately 8:30 p.m. Lieutenant Michael Trostel of Eastern Adams arrived at the station to question Defendant. Officer Weigand informed Lt. Trostel that he had given Defendant her *Miranda* warnings. Lt. Trostel ordered Officer Weigand to return to the scene.
11. Officer Weigand indicated there were three officers present at the station when he left (one was in uniform) and all were armed. He also testified that at the time he left, he was not aware whether Defendant was still in handcuffs.
12. Lt. Trostel was not in uniform nor armed at the time he commenced questioning of Defendant.<sup>6</sup>
13. Lt. Trostel testified that an elderly woman named Werner had reported the theft of a wallet by a female under ruse on January 4, 2008.<sup>7</sup>
14. Lt. Trostel also testified that when he first met and introduced himself to Defendant he informed her that she was under arrest by Eastern Adams for theft but did not inform her of any other charges. He asked Defendant if she had been administered the *Miranda* warnings and whether she understood. She allegedly responded in the affirmative to both questions.
15. Lt. Trostel testified that within 5 minutes Defendant admitted to taking Werner's wallet and using the credit card inside. He indicated that Defendant told him she would put the statement

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<sup>6</sup>Lt. Trostel received his Act 120 certification at the Harrisburg Area Community College. He has been a police officer for 18 years and has spent 15 years as a member of the Adams County Drug Task Force.

<sup>7</sup>CR-83-2008

- in writing but he left the station before that was done. Lt. Trostel made no threats or promises to Defendant.
16. Other officers appear to have also been present in the station off and on throughout the evening.
  17. At approximately 10:30 p.m. Sgt. Bradley Davis<sup>8</sup> of the McSherrystown Police Department arrived at the Eastern Adams headquarters. He testified that upon his arrival Lt. Trostel was present. He only spoke to Defendant concerning an incident in McSherrystown. He acknowledged not administering *Miranda* warnings but asked Defendant if she had received them. She responded yes. Sgt. Davis then stated, “keeping those [the warnings] in mind, would you be willing to give a statement?” Defendant responded in the affirmative.
  18. With Sgt. Davis present Defendant wrote two statements. The first was given at 10:45 p.m.<sup>9</sup> and the second at 11:00 p.m.<sup>10</sup> Sgt. Davis did not threaten Defendant nor did he make any promises in exchange for the statements.
  19. Officer Moorehead arrived when Defendant was giving her second statement.
  20. At approximately 11:10 p.m., Defendant signed a Voluntary Statement Form, which contained a printed version of the *Miranda* warnings.<sup>11</sup> Lt. Trostel testified that the statement on the form was identical to the verbal statement Defendant gave him earlier. The written statement was witnessed by Officer Moorehead.
  21. Defendant testified that she was handcuffed the entire time after her arrest. She denied being given *Miranda* warnings at any time.

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<sup>8</sup>Sgt. Davis has been a police officer for 8 years and was an Air Force MP for 4 years, with the Department of Corrections for a year and a half, and a sheriff’s deputy for two and a half years.

<sup>9</sup>**Commonwealth’s Ex. 1.** This statement pertains to the allegations made in CR-79-2008 and CR-211-2008.

<sup>10</sup>**Commonwealth’s Ex. 2.** This statement pertains to the allegations made in CR-367-2008.

<sup>11</sup>**Defendant’s Ex. 1; Commonwealth’s Ex. 3.** The statement pertains to the allegations made in CR-83-2008. Officer Weigand’s name is listed on the form as the officer who administered the *Miranda* warnings but he testified that he did not write his name on the form.

22. Defendant admitted that she was aware of the *Miranda* warnings because she had been arrested before and stated it was possible the warnings had been given but she could not recall because she was under the influence of drugs and alcohol at the time of arrest.
23. Defendant testified that 1-2 officers were present when she arrived and about 5 came in and out while she was being questioned. She indicated that wallets and IDs were piled to her left and she was told by Officer Weigand they were stolen.
24. Defendant testified that Lt. Trostel told her that if she cooperated it would go easier and that she could get some prison time. Lt. Trostel denied making that statement. Defendant also alleges that Sgt. Davis told her that if she cooperated things would go easier. He could not recall making such a statement.
25. Defendant further alleges that when she was arrested she was not told of the crime or the victims and officers Trostel, Davis, and Moorehead all informed her that she was being investigated for other crimes.
26. Defendant stated that while being interviewed she was afraid because she did not know what was happening and did not even read the warnings on the Voluntary Statement Form prior to signing. However, she did state that she was not forced to write out a confession or told what to write.

### ISSUES

1. Whether Defendant's statements should be suppressed for failure of the officers to advise her of the *Miranda* warnings.
2. Whether Defendant's statements should be suppressed because of coercive interrogations that rendered her confessions involuntary.
3. Whether Defendant's statements should be suppressed because she was subject to an illegal arrest.

### CONCLUSIONS OF LAW

1. This Court has jurisdiction.
2. Defendant was advised of her *Miranda* warnings prior to making an inculpatory statement.

3. Defendant was not subject to coercive interrogations that rendered her confessions involuntary.
4. Defendant was not subject to an illegal arrest.
5. Defendant's inculpatory statements are not subject to suppression.

## DISCUSSION

When a defendant has filed a motion to suppress the burden is placed on the Commonwealth to establish by a preponderance of the evidence that the challenged evidence is admissible. *Commonwealth v. DeWitt*, 608 A.2d 1030, 1031 (Pa. 1992). The Suppression Court has the prerogative to judge the credibility of witnesses. *Com. v. Dutrieville*, 932 A.2d 240, 243 (Pa. Super. 2007)(citations omitted). Defendant alleges that officers failed to advise her of the *Miranda* warnings and conducted a coercive interrogation. Defendant raised for the first time in her Brief the issue of an illegal arrest as grounds for suppression.

Defendant has alleged that the two verbal incriminating statements and three written statements should be suppressed because *Miranda* warnings were never given to her before making those statements. *Miranda* warnings are required when a person is subject to custodial interrogation. *Commonwealth v. Ingram*, 814 A.2d 264, 271 (Pa. Super. 2002). Statements made during custodial interrogation are presumptively involuntary unless *Miranda* rights are given. *Com. v. Williams*, 941 A.2d 14, 30 (Pa. Super. 2008) (citations omitted). Custodial Interrogation has been defined as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of [her] freedom of action in any significant way." *Id.* *Miranda* is triggered whenever a person is in custody and subject to either questioning or its functional equivalent. *Id.* "Interrogation occurs where the police should know that their words or actions are reasonably likely to elicit an incriminating response from the suspect." *Id.* A person is in custody when "physically denied of [her] freedom of action in any significant way or is placed in a situation in which [she] reasonably believes that [her] freedom of action or movement is restricted by the interrogation." *Id.* at 30-31. To determine whether *Miranda* warnings were necessary, the court "must consider the totality of the circumstances." *Id.* at 31.

*Continued to next issue (7/10/09)*



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-46 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Liberty Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a bolt on the Eastern edge of Legislative Route 01072 at the intersection of said Legislative Route 01072 and Township Road 317 commonly referred to as Liberty Hall Hill Road; thence by said Township Road 317 and through an iron pin located in said Township Road 317 located 250 feet from said beginning point South 65 degrees 23 minutes 40 seconds West 287.40 feet to an iron pin on the North wheel track; thence continuing along Township Road 317 South 43 degrees 58 minutes 20 seconds West 298.36 feet to an iron pin located in the centerline of said Township Road 317; thence by lands now or formerly of Douglas R. Piper North 26 degrees 6 minutes 55 seconds West 743.42 feet to a pipe at lands now or formerly of Douglas R. Piper; thence by said lands North 88 degrees 49 minutes 30 seconds East 270 feet to an iron pin at lands now or formerly of Douglas R. Piper; thence by said lands North 4 degrees 56 minutes 20 seconds West 216.68 feet to an iron pin located at lands now or formerly of Douglas R. Piper; thence by said lands North 88 degrees 46 minutes 10 seconds East 478.99 feet to a railroad spike in the center line of Legislative Route 01072; thence along the center line of Legislative Route 01072 South 8 degrees 40 minutes 10 seconds East 448.48 feet to a railroad spike in the center line of said Legislative Route 01072; thence continuing along the center line of said Legislative Route 01072 South 0 degrees 58 minutes 40 seconds West 121.50 feet to a bolt on the Eastern edge of Legislative Route 01072 at the intersection of said legislative Route 01072 and Township Road 317 commonly referred to as Liberty Hall Hill Road the place of BEGINNING, CONTAINING 10.016 Acres.

TITLE TO SAID PREMISES IS VESTED IN Luther T. Ridge and Stacey L. Ridge, h/w, as tenants by the entirety, by Deed from Mary E. Waybright, nka, Mary E. Sneeinger, a single woman, dated 06/09/2006, recorded 06/19/2006 in Book 4460, Page 232.

Tax Parcel: (25) D16-0013

Premises Being: 115 Liberty Hall Road, Fairfield, PA 17320-9229

SEIZED and taken into execution as the property of **Luther Ridge, Jr. & Stacey L. Ridge** 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 August 7, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/19, 26 & 7/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1802 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania known as Lot No. 1B-1 on the Land Subdivision for Davis E. Kohler recorded in the Adams County Recorder of Deeds Office in Plat Book 78, pages 58 and 58-A, bounded and described as follows, to wit:

BEGINNING at a railroad spike at the corner of Green Ridge Road and Lot No. 1B-2, more particularly described on the above referenced subdivision plan; thence continuing along Lot No. 1B-2, the following two (2) courses and distances: 1) South 53 degrees 00 minutes 50 seconds East, 270.29 feet to an iron pin; 2) South 36 degrees 59 minutes 10 seconds West, 150.81 feet to an iron pin at lands now or formerly of Philip B. Schindel, the following two (2) courses and distances: 1) North 53 degrees 00 minutes 50 seconds West, 230.56 feet to a point; 2) South 33 existing stone pile and at lands now or formerly of Harold C. Ford; thence continuing along lands now or formerly of Harold C. Ford, North 11 degrees 42 minutes 50 seconds West, 110.35 feet to a railroad spike at Green Ridge; thence continuing along Green Ridge Road the following three (3) courses and distances: 1) North 29 degrees 29 minutes 20 seconds East,

128.19 feet to a point; 2) North 45 degrees 21 minutes 10 seconds East, 230.44 feet to a P.K. nail; 3) North 37 degrees 25 minutes 40 seconds East, 91.15 feet to a railroad spike, the point and place of BEGINNING.

IT BEING a part of a larger tract of land which Virginia M. Calvert a/k/a Virginia, widow, by deed dated August 20, 1999 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1906, page 283, granted and conveyed unto David E. Kohler and Judy G. Kohler, husband and wife, Grantors herein.

IT BEING a part of a larger tract of land which Virginia M. Calvert a/k/a Virginia Calvert Fitzgerald, widow, by deed dated August 20, 1999 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1906, page 283, granted and conveyed unto David E. Kohler and Judy G. Kohler, husband and wife, Grantors herein.

AND the said Grantors do hereby covenant and agree that they will SPECIALLY warrant the property hereby conveyed.

BEING KNOWN AS: 1120 Green Ridge Road, Orrtanna, PA 17353

Property ID: (12) B11-24A

TITLE TO SAID PREMISES IS VESTED IN Jimmy Melton and Lois Jenn Melton, husband and wife, as the entireties by Deed from David E. Kohler and Judy G. Kohler, husband and wife dated 9/22/2000 recorded 9/26/2000 in Deed Book 2133 Page 102.

SEIZED and taken into execution as the property of **Jimmy Melton & Lois Jean Melton & Lois Jenn Melton & 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 August 7, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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6/19, 26 & 7/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1100 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of July, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in Conewago Township, Adams County, Pennsylvania, being designated as Lot No. 25 on final plan of Allwood Manor, Phase IV, Section 1A prepared by Group Hanover, Inc., designated as Project No. 892006, dated September 2, 1994, revised February 13, 1995 and March 24, 1995 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 67, Page 95.

UNDER AND SUBJECT, NEVERTHELESS, to the covenants, conditions, notes, easements, rights-of-way, etc., as may be shown on the subdivision plan of Allwood Manor, Phase IV, Section 1A, as recorded in Adams County Plan Book 67, Page 95, including, but not limited to: (1) ten (10) feet wide drainage and utility easements along the sides and rear of all lots; (2) clear sight triangles are provided at all intersections wherein no structures, grade, or planting shall be higher than three (3) feet above the centerline of the Street; and (3) all drainage and/or utility easements must be kept free of any plants, trees, shrubbery, structures, fences, etc., and must be properly maintained and mowed by the owner.

UNDER AND SUBJECT, ALSO to the Declaration Creating and Establishing Allwood Manor Planned Community, Inc., dated February 27, 1997, recorded in Adams County Record Book 1335, Page 255, the Declaration Plan, and the By-Laws of Allwood Manor Planned Community, Inc., as thereafter amended in Record Books 1403, Page 200; 1557 Page 244; and 1621, Page 247.

UNDER AND SUBJECT to grants of mineral rights, rights of way, building and use restrictions, easements, covenants, and conditions as set forth in prior instruments of record.

BEING KNOWN AS: 15 Savoir Drive Hanover (Conewago Township), PA 17331

PROPERTY ID NO. : (08) 032-0015

TITLE TO SAID PREMISES IS VESTED IN Erik Slapp and Heidi Slapp, husband and wife by deed from Dorothy A. Taylor, unmarried dated 1/23/2007 recorded 1/26/2007 in deed book 4723 page 229.

SEIZED and taken into execution as the property of **Erik Slapp & Heidi Slapp** 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 August 7, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/19, 26 & 7/2

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NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Monday, July 6th, 2009 at 9:00 a.m.

**NITZ**—Orphan's Court Action Number OC-39-2008. The First and Final Account of Dwight Van Nitz, Executor of the Estate of Yvonne C. Nitz, late of the Borough of Gettysburg, Adams County, Pennsylvania, deceased.

**REDDING**—Orphan's Court Action Number OC-52-2009. The First and Final Account of PNC Bank, NA and Donald M. Redding, Accountants of the Estate of Mary Rita Redding, late of the Borough of Littlestown, Adams County, Pennsylvania, deceased.

**KUHN**—Orphan's Court Action Number OC-53-2009. The First and Final Account of Talmadge V. Lockamy, Accountant of the Estate of Freda O. Kuhn, late of Mt. Pleasant Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver  
Clerk of Courts

6/26 & 7/2

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**ESTATE NOTICES**

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

**FIRST PUBLICATION****ESTATE OF CURRY B. BECKNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Max B. Beckner, 4187 Smoketown Rd., Glenville, PA 17329

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

**ESTATE OF JAMES K. GILBERT, DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Travis J. Gilbert, 380 Bonner's Hill Road, York Springs, PA 17372

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

**ESTATE OF MICHAEL E. KLINEDINST, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Melissa B. Harlacher, 3531 Partridge Dr., Dover, PA 17315

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

**ESTATE OF GENEVIEVE A. SANDERS, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representative: Louise A. Kopp, 4410 Hanover Rd., Hanover, PA 17331

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

**SECOND PUBLICATION****ESTATE OF BERNADETTE E. AUMEN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executors: Michael F. Aumen, 435 Poplar Road, New Oxford, PA 17350; Cynthia J. Higgins, 1723 Art Drive, Hanover, PA 17331

Attorney: David C. Smith, Esq., 754 Edgemoor Rd., Hanover, PA 17331

**ESTATE OF FLORENCE E. PHILLIPS, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executrix: Earlyn C. Deardorff, 97 Blue Hill School Road, Dover, PA 17315

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

**ESTATE OF RICHARD A. SMITH, DEC'D**

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

Executrices: Marie T. Groft, 8 Hanover Street, New Oxford, PA 17350; Rose M. Diehl, 2563 Alessandro Blvd., Harrisburg, PA 17110

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

**ESTATE OF FERN E. WAGNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold R. Lau, P.O. Box 22, 227 East King Street, East Berlin, PA 17316

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

**THIRD PUBLICATION****ESTATE OF RUBY K. GARVICK, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Russell E. Garvick, 1048 Keith Drive, Hanover, PA 17331

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

**ESTATE OF ROBERT J. KAUFFMAN, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Administrator: Esther M. Kauffman, 2781 Biglerville Road, Gettysburg, PA 17325

Attorney: Thomas E. Miller, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

**ESTATE OF PHYLLIS E. OVERLY, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Administrator: Robert D. Overly, 304 Diller Road, Hanover, PA 17331

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

