

Adams County Legal Journal

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IN THIS ISSUE

GASD VS. EI ASSOCIATES ET AL

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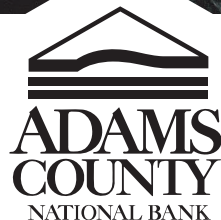
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-2019 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of ground situate in Reading Township, County of Adams, Commonwealth of Pennsylvania, being known as Lot No. 191 on a plan of lots of Lake Meade Subdivision, duly entered, and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 1 Page 1 and subject to all legal highways, easements, rights of way and restrictions of record.

Being part of the same premises, which Arthur P. Mauk and Nancy L. Mauk, his wife, by deed dated September 22, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in the Record Book 535, Page 299, granted and conveyed unto Scott E. Ingram and Claudia A. Ingram, his wife. Scott E. Ingram died on August 4, 1998 whereby title became vested in the name of Claudia A. Ingram, the grantor herein.

BEING KNOWN AS: 14 Buford Drive East Berlin (Reading Township), PA 17316

PROPERTY ID NO.: (37)-011-0040

TITLE TO SAID PREMISES IS VESTED IN Gerald F. Creager and Vanmaly K. Creager, husband and wife, as tenants by the entirety by deed from Claudia A. Ingram, widow dated 4/28/05 recorded 5/5/05 in Deed Book 3956 Page 50.

SEIZED and taken into execution as the property of **Gerald F. Creager & Vanmaly K. Creager** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing

thereof. Purchaser must settle for property on or before filing date.

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

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.

3/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1021 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot, piece or parcel of ground situate, lying and being in the Township of Latimore, County of Adams and State of Pennsylvania, bounded and described in accordance with a subdivision plan prepared for Robert E. Bell by Jerry D. LaRue, R. S., on July 20, 1978 and recorded in the Office of the Recorder of Deeds of Adams County, more fully bounded and described as follows:

BEGINNING at a point in the center line of Township Road 630 at lands now or formerly of Robert C. Grove; thence along said lands North 53 degrees 56 minutes 0 seconds East, 363.12 feet to a post; thence continuing along said lands and lands now or formerly of Jon Richard Zeigler, North 36 degrees 4 minutes 0 seconds West, 342.16 feet to a pin at lands now or formerly of Smith; thence along said lands, North 54 degrees 30 minutes 0 seconds East, 203.79 feet to a pin; thence continuing along said lands, South 54 degrees 33 minutes 17 seconds East, 486.55 feet to a pin at lands now or formerly of Russell Gardner; thence along said lands, South 26 degrees 47 minutes 10 seconds West, 289.05 feet to a pin in a tree; thence continuing along said lands South 50 degrees 15 minutes 21 seconds East, 425.81 feet to a stone monument at lands now or formerly of Robert E. Bell; thence along said lands, South 52

degrees 54 minutes 41 seconds West, 582.44 feet to a point in the center line of Township Road 630; thence along the center line of said road, North 34 degrees 58 minutes 14 seconds West, 676.33 feet to a point, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Kenneth L. Samento, married, by Deed from Daniel J. Reedy and Darlene D. Reedy, h/w, dated 12/21/2006, recorded 12/29/2006 in Book 4694, Page 177.

Tax Parcel: 23, I 03-0050-000

Premises Being: 221 Bonners Hill Road, York Springs, PA 17372-9049

SEIZED and taken into execution as the property of **Kenneth L. Samento** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

GASD VS. EI ASSOCIATES ET AL

1. As there is some question as to whether a cause of action for breach of implied warranty even exists under Pennsylvania law in the context of construction plans and specification, see *Alstom Power, Inc. v. RMF Industrial Contracting, Inc.*, 418 F. Supp. 2d 766, 778 (W.D. Pa. 2006)(predicting that the Pennsylvania Supreme Court would decline to recognize a claim for breach of implied warranty based upon construction plans or specifications), I will not create a theory of absolute liability under the guise of implied warranty absent clear and specific appellate authority for the same.

2. In order to support a cause of action for negligent misrepresentation, a party must allege a misrepresentation of material fact made, under circumstances in which party making the misrepresentation ought to have known of its falsity, with the intent to induce another to act upon it, thereby resulting in injury to a party who justifiably relied upon the misrepresentation.

3. Pennsylvania is a fact-pleading state. Accordingly, a complaint must not only give the defendant notice of what the plaintiff's claim is and the grounds upon which it rests, but the complaint must also formulate the issues by summarizing those facts essential to support the claim.

4. The final Preliminary Objection raises an interesting procedural issue. Specifically, Plaintiff filed a Writ of Summons against parties who were ultimately not included in the Complaint.

5. I find nothing in the Rules of Civil Procedure that permits Plaintiff to repeatedly alter the caption of this matter for their convenience and without authorization.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 06-S-1017, GETTYSBURG AREA SCHOOL DISTRICT
VS. EI ASSOCIATES, ARCHITECTS AND ENGINEERS, P.C.,
DAVID M. MAINES ASSOCIATES, INC., BRADCO SUPPLY
CORPORATION AND WOHLSEN CONSTRUCTION COMPANY.

Joel C. Hopkins, Esq., for Plaintiff

Michael D. Reed, Esq., for Defendant EI Associates

Victor P. Stabile, Esq., for Defendant Bradco Supply

Gregory S. Hirtzel, Esq., for Defendant Maines Associates

George, J., August 4, 2009

OPINION

This litigation arises from the construction of a new Gettysburg Area High School which was undertaken in late 1995 and substantially completed on September 15, 1997. Plaintiff, Gettysburg Area School District ("School District"), seeks damages for alleged deficiencies in the design and manufacture of roof shingles which subsequently resulted in failures to the integrity of the roof.

The action was commenced by Writ of Summons against EI Associates, Architects and Engineers, P.C. ("EI Associates"), David

M. Maines Associates, Inc. (“Maines”), Bradco Supply Corporation (“Bradco”), and Wohlsen Construction Company (“Wohlsen”).¹ Following service of the Writ, counsel for Maines filed a Rule to File Complaint. The School District thereafter filed a Complaint naming only EI Associates and Bradco in the caption. The Complaint contained four counts against EI Associates including claims of breach of contract, breach of implied warranty, professional negligence, and negligent misrepresentation. The Complaint further contained four causes of action against Bradco consisting of breach of express warranty, breach of implied warranty, negligent misrepresentation, and fraudulent misrepresentation. Notably, the Complaint failed to include any causes of action against Maines or Wohlsen and, in fact, makes only fleeting reference to their involvement in the construction.

Before the Court for disposition are the Preliminary Objections of EI Associates demurring to the counts of breach of implied warranty and negligent misrepresentation. Bradco has filed Preliminary Objections seeking to strike the Complaint for failure to comply with the Pennsylvania Rules of Civil Procedure and also lack of specificity in regard to the counts of breach of express warranty, negligent misrepresentation, and fraudulent misrepresentation.

Preliminary Objections of EI Associates

EI Associates demurrer to the School District’s claims of breach of implied warranty and negligent misrepresentation. EI Associates suggests that both counts lack sufficient allegations to support the intended causes of action.

Pennsylvania Rule of Civil Procedure 1028(a)(4) permits preliminary objections based upon the legal insufficiency of a pleading. In reviewing preliminary objections challenging the sufficiency of a pleading, “all well-pleaded material, factual averments, and all inferences fairly deductible therefrom” are presumed to be true. *Tucker v. Philadelphia Daily News*, 757 A.2d 938, 941-42 (Pa.Super. 2000). Preliminary objections which, if granted, would result in the dismissal of a cause of action, should be sustained only in cases where “it is clear and free from doubt from all the facts pleaded that the pleader will be unable to prove facts legally sufficient to establish his right to relief.” *Bourke v. Kazaras*, 746 A.2d 642, 643 (Pa.Super. 2000).

¹The initial Writ of Summons named only EI Associates and Maines as defendants. Subsequent amendments added Bradco and Wohlsen.

EI Associates' first demurrer challenges the legal sufficiency of the School District's cause of action based upon breach of an implied warranty. In the Complaint, School District alleges that EI Associates was retained to provide architectural services in connection with the School District's construction project. The School District alleges that EI Associates impliedly warranted that contract documents provided by EI Associates were suitable for the School District's intended purpose of having the construction completed in a fashion so as to be free from defective conditions. School District claims that EI Associates breached its implied warranty by failing to properly prepare the contract documents to include adequate testing and/or inspection of roofing materials; failing to provide necessary services to produce the results intended by the contract including the avoidance of roof failure; and failing to inform the School District of reasonably apparent omissions in the contract documents regarding the roofing materials.

EI Associates argues that since no implied warranty ever existed, a cause of action for breach of implied warranty cannot proceed. In support of their argument, EI Associates notes that the only implied warranty alleged in the Complaint is with regard to contract documents which were submitted to the School District for review prior to their use in connection with the project. EI Associates points out that the School District was represented by independent counsel throughout the contract process.

In considering this issue, it is important to understand that the primary genesis of this action is not found in alleged design deficiencies, but rather in the installation of roofing materials, which allegedly failed to comply with the specifications of the construction documents. School District theorizes that EI Associates understood that the goal of the project was a new school building. Therefore, in contracting with the School District to oversee the construction, EI Associates implicitly warranted that the construction of the new school would be completed free of defect, despite the absence of such a term in the contract. In essence, School District suggests that EI Associates became an absolute insurer of the project and guaranteed a perfect result. This Court has found no authority to support such a broad extension of the breach of implied warranty under Pennsylvania law.

The thrust of School District's argument relies on the Supreme Court case of *Bloomsburg Mills, Inc. v. Sordoni Construction Co., Inc.*, 164 A.2d 201 (Pa. 1960). In *Bloomsburg Mills*, the Supreme Court upheld a negligence claim against registered architects where the architect negligently submitted plans which contained improper specifications for a roof. In doing so, the Court recognized that an architect "is called upon to prepare plans and specifications which will give the structure so designed reasonable fitness for its intended use, and he impliedly warrants there is sufficiency for that purpose." 164 A.2d at 203. Importantly, however, the *Bloomsburg Mills* Court also recognized that an architect does not guarantee perfect plans nor is an absolute insurer of a perfect result. *Id.* Yet, that is precisely the standard which School District asks EI Associates to be held. The School District seeks to hold EI Associates to a duty greater than that contracted for by arguing that the law imposes upon them absolute liability for the building's perfect construction. As there is some question as to whether a cause of action for breach of implied warranty even exists under Pennsylvania law in the context of construction plans and specifications, see *Alstom Power, Inc. v. RMF Industrial Contracting, Inc.*, 418 F. Supp. 2d 766, 778 (W.D. Pa. 2006) (predicting that the Pennsylvania Supreme Court would decline to recognize a claim for breach of implied warranty based upon construction plans or specifications), I will not create a theory of absolute liability under the guise of implied warranty, absent clear and specific appellate authority for the same. Accordingly, EI Associates' demurrer on this basis will be granted.

EI Associates' second Preliminary Objection demurs to School District's cause of action based upon negligent misrepresentation. In order to support a cause of action for negligent misrepresentation, a party must allege a misrepresentation of material fact made, under circumstances in which party making the misrepresentation ought to have known of its falsity, with the intent to induce another to act upon it, thereby resulting in injury to a party who justifiably relied upon the misrepresentation. *Bortz v. Noon*, 729 A.2d 555, 561 (Pa. 1999). EI Associates argues that the School District's Complaint fails to establish a misrepresentation of material fact made under circumstances in which parties making the misrepresentation should have known of its falsity. School District, on the other hand, suggests that the allegations that EI Associates represented to School District that its

contract documents were complete and adequate for the project's construction is sufficient to satisfy this element. School District suggests that because the contract documents were inherently flawed, i.e. lacked sufficient testing procedures, and that EI Associates knew or should have known of the errors, the Complaint clearly sets forth a known misrepresentation made on the part of EI Associates.

Once again, School District attempts to impose absolute liability by camouflaging the claim under an alternative theory. For the most part, School District does not allege a specific misrepresentation but rather alleges a number of inadequacies in the contract documents. School District, thereafter, attempts to bring such a claim under the umbrella of negligent misrepresentation by essentially claiming that EI Associates knew that the School District wanted a perfect building and were relying upon EI Associates' professionalism to accomplish that goal. Although some may view School District's argument as creative, I see it as an improper expansion of the law of negligent misrepresentation. As I am unable to find any representation by EI Associates that perfect performance would be accomplished, their demurrer will be granted. In doing so, I note that School District has alleged viable causes of action based upon breach of contract and professional negligence. Either or both of those causes of action preserve claims related to the inadequacies alleged by the School District.

Preliminary Objections of Bradco Supply Corporation

I now turn to the Preliminary Objections of Bradco Supply Corporation. Essentially, the objections encompass two subjects. In regard to the claims of breach of express warranty, negligent misrepresentation, and fraudulent misrepresentation, Bradco challenges the specificity of the Complaint. Bradco's remaining Preliminary Objection seeks to strike the Complaint for failure to comply with the Pennsylvania Rules of Civil Procedure. I will address each *seriatim*.

Pennsylvania Rule of Civil Procedure 1019(a) requires that a plaintiff set forth the material facts upon which a cause of action is based. The purpose of requiring specificity in pleading is to place the defendant on notice of the claims upon which he will have to defend. *City of New Castle v. Uzamere*, 829 A.2d 763, 767-68 (Pa.Cmwlth. 2003). Thus, a complaint must give the defendants fair notice of the claims and a summary of the material facts that support those claims.

Yacoub v. Lehigh Valley Med. Assocs., P.C., 805 A.2d 579, 588 (Pa.Super. 2002), *appeal denied* 825 A.2d 639. Pennsylvania is a fact-pleading state. Accordingly, a complaint must not only give the defendant notice of what the plaintiff's claim is and the grounds upon which it rests, but the complaint must also formulate the issues by summarizing those facts essential to support the claim. *Lerner v. Lerner*, 954 A.2d 1229, 1235 (Pa.Super. 2008).

The cornerstone of Bradco's lack of specificity objections is that the Complaint generically alleges actions on the part of Bradco without identifying the specific employees or agents who made the misrepresentations and/or warranties. Ideally, the Complaint would specifically identify the individuals who are alleged to have made the statements. Nevertheless, I find the allegations in the Complaint sufficient to place Bradco on notice as to the specifics of the alleged misrepresentations sufficient to place them on notice of the claim and to formulate appropriate response. Moreover, discovery will allow all parties to flush out the identity of those allegedly responsible for the misstatements and/or warranties. Ultimately, should the School District be unable to relate statements to specific agents or employees, appropriate dispositive motion will resolve this issue. Accordingly, Bradco's objection based upon lack of specificity is denied.

The final Preliminary Objection raises an interesting procedural issue. Specifically, School District filed a Writ of Summons against parties who were ultimately not included in the Complaint. Despite School District having essentially dismissed Maines and Wohlsen from the litigation for practical purposes, procedural dismissal pursuant to the Pennsylvania Rules of Civil Procedure was not obtained. See Pa. R. Civ. P. 229 (discontinuance of cause of action is only proper with written consent of all parties or leave of the court after notice to all parties).

The record is clear that, by Writ of Summons, School District initiated this cause of action against EI Associates, Bradco, Maines, and Wohlsen. The record includes proof of service of the Writ on each of the parties. However, the Complaint ultimately filed by School District included only EI Associates and Bradco in the caption as named defendants. Although acknowledging the same, School District claims that current information in their possession establishes the

non-existence of viable causes of action against Wohlsen or Maines. School District points to its ethical obligation, as memorialized in Pennsylvania Rule of Civil Procedure 1023, to not file frivolous claims against any party. They suggest, therefore, that while Maines and Wohlsen remain parties, the Complaint properly omitted frivolous claims against them. Although I agree with School District's assessment of their ethical obligation, I do not accept their application of that duty in conjunction with the Rules of Procedure.

I note that in addition to the Complaint failing to include Wohlsen and Maines as parties in the caption, there is a complete lack of proof that the Complaint has been served upon either of those parties. This lack of service suggests that the School District is essentially treating Maines and Wohlsen as having been dismissed from this action. Any other interpretation leads to the conclusion that School District has violated the Rules of Civil Procedure in failing to appropriately serve pleadings on all parties. See Pa. R. Civ. P. 440. Toleration of School District's cavalier disregard for the Pennsylvania Rules of Civil Procedure is unacceptable and will ultimately only confuse the procedural status of this matter. I find nothing in the Rules of Civil Procedure that permits School District to repeatedly alter the caption of this matter for their convenience and without authorization. If School District truly believes a cause of action does not exist against Maines and Wohlsen, then their proper course of action is to dismiss the claim pursuant to Pennsylvania Rule of Civil Procedure 229. If, as the School District alleges in their Brief, the cause of action against Maines and Wohlsen has not been dismissed, then they remain a party to this action and must be properly served with all pleadings. School District is cautioned that their current course of having litigation openly pending, as they suggest, against a party without a viable cause of action to support that litigation, places the School District at peril. Bradco's Preliminary Objection for failure to comply with the Pennsylvania Rules of Civil Procedure will be granted. School District, however, shall be granted twenty (20) days to file an Amended Complaint appropriately including all parties in the caption and serving all parties with the Complaint and Notice to Defend. In the alternative, School District may move to dismiss the action against Maines and Wohlsen pursuant to the Pennsylvania Rules of Civil Procedure and seek extension from the Court of the time period within which to file an Amended Complaint.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 4th day of August, 2009, the Preliminary Objections of EI Associates, Architects and Engineers, P.C. to Counts II and IV of the Complaint are granted. Bradco Supply Corporation's Preliminary Objections based upon lack of specificity are denied. Bradco's Preliminary Objection for failure to comply with the Pennsylvania Rules of Civil Procedure is granted. The Complaint is stricken. Plaintiff is granted twenty (20) days from the date of this Order to file an Amended Complaint in compliance with the Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1565 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

A one third (1/3) interest in ALL the following described real estate, lying and being situate in Franklin Township, Adams County, Pennsylvania, with a property address of 481 Church Road, Orrtanna, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road 361 at the Northeast corner of Lot No. 1 on the Plan of Lots referred to below; thence in the center of Township Road 361 and by land now or formerly of Donald J. Dillon, North 55 degrees East; 145.1 feet to a point; thence by Lot No. 3 on the Plan of Lots referred to below and running through a pin located 22.2 feet from the beginning of this line South 30 degrees 02 minutes East, 260.5 feet to a pin; thence by land now or formerly of Recreation Real Estate Company, South 70 degrees 46 minutes West, 138 feet to a pin; thence by Lot No. 1 on the Plan of Lots referred to below and running through a pin located 17.1 feet from the end of this line North 32 degrees 21 minutes West 222.3 feet to a point in the center of Township Road 361, the place of BEGINNING.

BEING the same real estate which Arnold S. Martin, Executor of the Estate of Kathryn A. Bowermaster, conveyed to Charles W. Bowermaster, a one third interest, in joint tenancy by right of survivorship with Beverly E. Gilcrease, a one-third interest, and Arnold S. Martin, a one-third interest, as tenants in common, by deed dated July 17, 2006, and recorded in Adams County Deed Book Volume 4495, Page 341.

TAX PARCEL #12-B09-0061B

Premises Being: 481 Church Road, Orrtanna, PA 17353

SEIZED and taken into execution as the property of **Charles Bowermaster c/o Arnold Martin, Authorized Agent for Charles Bowermaster** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-47 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Edgegrove Road (SR 2008) which point is located at the Northeastern corner of Lot No. 1 on the hereinafter described subdivision plan; thence running in the center of Edgegrove Road (SR 2008), South 63 degrees 32 minutes 21 seconds East, 150.00 feet to a point; thence running by Lot No. 3 on the hereinafter described plan of lots, South 26 degrees 27 minutes 39 seconds West, 350.00 feet to a control point at the Southwestern corner of Lot No. 3 and on line of Lot No. 6 on the hereinafter described plan; thence running by Lot No. 6 on the hereinafter described plan, North 63 degrees 32 minutes 21 seconds West, 150.00 feet to a point at the Southeastern corner of Lot No. 1; thence running by Lot No. 1, North 26 degrees 27 minutes 39 seconds East, 350.00 feet to a point in the center of Edgegrove Road (SR 2008), the point and place of BEGINNING.

CONTAINING 1.205 acres, more or less.

The above description was taken from a final subdivision plan dated January 7, 2005 and last revised November 11, 2005, prepared by Clark R. Craumer, P.L.S., which final subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 90 at Page 90. The above-described tract of land is Lot No. 2 on said final Subdivision Plan.

TITLE TO SAID PREMISES IS VESTED IN Wayne Cogswell, by Deed from Kenneth J. Gebhart and Alberta M. Gebhart, h/w, dated 08/14/2006, recorded 08/15/2006 in Book 4533, Page 331.

Tax Parcel: 32.J13-1278

Premises Being: 235 Edgegrove Road, Hanover, PA 17331-7788

SEIZED and taken into execution as the property of **Wayne Cogswell** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/12, 19 & 26

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the PA Business Corporation Law, NorthMarq Capital, Inc., a corporation of the State of Minnesota with principal office at 60 South Sixth St., Suite 3800, Minneapolis, MN 55402 and having a Commercial Registered office Provider and county of venue as follows: CT CORPORATION SYSTEM, Adams County, which on 05/12/2003 was granted a Certificate of Authority to transact business in the Commonwealth, intends to file an Application for termination of Authority with the PA Dept. of State.

3/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1168 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the eastern side of Pemberton Drive at the northwestern corner of Lot No. 99; thence North 23 degrees 58 minutes 31 seconds West, 113.27 feet to a point at the curve of the intersection of Pemberton Drive and Veltman Drive; thence by a curve to the right having a radius of 25 feet, an arc distance of 43.64 feet, a chord distance of 38.30 feet; thence along the said Veltman Drive, North 76 degrees 01 minute 42 seconds East, 49.82 feet to a point; thence continuing along the same by a curve to the right having a radius of 3,743.25 feet, an arc distance of 125.46 feet, the chord of which is North 76 degrees 59 minutes 47 seconds East, 125.46 feet to a point at the northwestern corner of Lot No. 97; thence along Lot No. 97 by a curve to the right having a radius of 3,743.25 feet, an arc distance of 72.89 feet and a chord bearing of North 78 degrees 31 minutes 36 seconds East, a distance of 72.89 feet to a point; thence still along Veltman Drive, North 79 degrees 05 minutes 20 seconds East, a distance of 111.18 feet to a point; thence on a course along Schofield Drive, by a curve to the right having a radius of 25 feet and an arc distance of 33.60 feet and a chord distance of 31.12 feet to a point; thence continuing on a course of South 23 degrees 55 minutes 01 second East, a distance of 57.75 feet to a point at Lot No. 96, South 66 degrees 04 minutes 59 seconds West 198.75 feet to a point at Lot No. 99; thence along Lot No. 99, North 23 degrees 58 minutes 31 seconds West a distance of 12.50 feet, more or less, to a point at the dividing line between Lots No. 98 and 99; thence along the last mentioned dividing line South 66 degrees 01 minute 29 seconds West, a distance of 201.57 feet to a point on the northern side of Pemberton Drive, the point and place of BEGINNING.

BEING all of Lot No. 97 and 98 on a Plan of Lots of Lake Meade Subdivision as recorded in Adams County Records in Plat Book 1, Page 1.

UNDER AND SUBJECT to covenants, easements, and restrictions of record.

Vested by Special Warranty Deed, dated 09/24/2001, given by Paul B. Gingrich and Dawn Gingrich, his wife to Paul B. Gingrich and Dawn Gingrich, his wife and recorded 10/2/2001 in Book 2419 Page 0334.

Tax Parcel: 370080072 M0098

Premises Being: 2 Pemberton Drive, East Berlin, PA 17316-9319

SEIZED and taken into execution as the property of **Paul B. Gingrich & Dawn Gingrich** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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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.

3/19, 26 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1329 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the Southeast side of Mason Dixon Road, S.R. 3002, in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a P.K. nail in the center of Mason Dixon Road, S.R. 3002, at lands of John Bush Homer, Jr., said P.K. nail being established as a reference point on the subdivision plan hereinafter referred to; thence leaving Mason Dixon Road, S.R. 3002, and through a steel reference rod set back 37 feet from the beginning hereof and by lands of John Bush Homer, Jr., South 5 degrees 7 minutes 30 seconds West, 233.46 feet to a steel rod; thence continuing by lands of John Bush Homer, Jr., South 43 degrees 54 minutes 10 seconds West, 416.46 feet to a steel rod in existing stone pile at lands of Ricky P. Lawyer and Kerry E. Lawyer; thence by lands of Ricky P. Lawyer and Kerry E. Lawyer, North 1

degree 30 minutes 10 seconds West, 200 feet to a steel rod; thence continuing by lands of Ricky P. Lawyer and Kerry E. Lawyer, North 36 degrees 52 minutes 55 seconds West, 70.93 feet to a steel rod; thence continuing by lands of Ricky P. Lawyer and Kerry E. Lawyer and through a steel pin set back 30 feet from the end hereof, North 36 degrees 52 minutes 55 seconds West, 115.81 feet to a magnetic spike set in the center line of Mason Dixon Road, S.R. 3002; thence in the center line of Mason Dixon Road, S.R. 3002, North 58 degrees 29 minutes 35 seconds East, 55 feet to a magnetic spike in the center line of Mason Dixon Road, S.R. 3002; thence continuing in the center line of Mason Dixon Road, S.R. 3002, North 58 degrees 29 minutes 35 seconds East, 76.74 feet to a P.K. nail in the center line of Mason Dixon Road, S.R. 3002; thence by an arc of a curve to the right having a radius of 617.25 feet for a chord bearing and distance of North 70 degrees 0 minutes 40 seconds East, 334.81 feet, for an arc distance of 339.05 feet to a P.K. nail in the center line of Mason Dixon Road, S.R. 3002, the point and place of BEGINNING. CONTAINING 2.630 acres.

TOGETHER WITH all rights and privileges and UNDER AND SUBJECT to the covenants, easements, restrictions, reservations and conditions of record.

Tax Parcel: 09,F18-0035---000

Premises Being: 1450 Mason Dixon Road, Gettysburg, PA 17325-7188

TITLE TO SAID PREMISES IS VESTED IN Douglas A. Lawver, a married man, by Deed from Douglas A. Lawver and Melissa Marie Lawver, h/w, as tenants of an Estate by the entirety, dated 03/15/2008, recorded 04/01/2008 in Book 5158, Page 282.

SEIZED and taken into execution as the property of **Douglas A. Lawver** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-966 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a nail in the center line of Legislative Route 01046 at land now or formerly of Harry Lippy; thence by land now or formerly of Lippy, and passing through a stake set back sixteen and five tenths (16.5) feet from the beginning of this course, North forty-eight (48) degrees fourteen (14) minutes West, three hundred fifteen and sixty-two hundredths (315.62) feet to a stake at land now or formerly of Herman H. Heller; thence by lands now or formerly of Heller North thirty-four (34) degrees fifty-seven (57) minutes East ninety and fifty-three hundredths (90.53) feet to a stake; thence by same, and passing through a stake set back fifteen and seventy-nine hundredths (15.79) feet from the terminus of this course, South three hundred thirty-three and forty-two hundredths (333.42) feet to a nail in the center line of Legislative Route 01046; thence along said center line South forty-seven (47) degrees two (2) minutes West fifty-three and eighty-eight hundredths (53.88) feet to a point at the place of BEGINNING. CONTAINING 0.53 ACRES.

This description was taken from a draft prepared by Robert E. Stiffler, R.S., dated October 28, 1964.

IT BEING the same premises which the Estate of Hazel M. Myers, deceased, by Michelle A. Leppo, Personal Representative, by her Deed dated September 25, 2007, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 4991, Page 127, granted and conveyed unto Michelle A. Leppo.

Address: 830 Green Springs Road, Hanover, PA 17331

PARCEL # (04) L11, 154

SEIZED and taken into execution as the property of **Denton E. Leppo & Michelle A. Leppo** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing

thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1486 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, lying and being situate in Butler Township, Adams County, Pennsylvania, with a property address of 26 Zeigler Mill Road, Gettysburg, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in the center line of Zeiglers Mill Road (T-373) at corner of land now or formerly of John C. Brown; thence running by said land and through an iron pin set back 45.43 feet from the start of this course, South 12 degrees 20 minutes 00 seconds East, 197.33 feet to an iron pin on line of lands now or formerly of Joan W. March; thence running by the same, South 82 degrees 49 minutes 55 seconds West, 100 feet to an iron pin at corner of lands, now or formerly of Warren M. Boyer; thence running by said land and through an iron post in concrete set back 9.85 feet from the end of this course, North 12 degrees 19 minutes 20 seconds West, 197.8 feet to a railroad spike in Zeiglers Mill Road; thence running in said road, North 83 degrees East, 77.93 feet to a railroad spike in the center line of said road; thence running in the center line of said road, North 83 degrees 27 minutes 40 seconds East, 22.07 feet to a railroad spike, the point and place of BEGINNING. CONTAINING .452 acres.

BEING the same real estate which Claudia E. Hill conveyed to Lewis M. Haugh and Theresa A. Haugh by deed dated November 18, 1988, and recorded in Adams County Deed Book Volume 0508, Page 0082.

TAX PARCEL # 7-F9-35A

Premises Being: 26 Zeigler Mill Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Lewis M. Haugh & Theresa A. Haugh** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

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 Thursday, April 8, 2010 at 8:30 a.m.

CHRISTIENSEN—Orphan's Court Action Number OC-20-2010. The First and Final Account of Susan M. Mummert, Executrix of the Estate of Theresa E. Christiansen, late of Reading Township, Adams County, Pennsylvania, deceased.

BUSHMAN—Orphan's Court Action Number OC-21-2010. The First and Final Account of Nancy Spaulding, Executrix of the Estate of Marianne Bushman, late of Cumberland Township, Adams County, Pennsylvania, deceased.

WOLFE—Orphan's Court Action Number OC-25-2010. The First and Final Account of Sara J. Chase, Executrix of the Estate of Mary C. Wolfe, late of Latimore Township, Adams County, Pennsylvania, deceased.

TOLER—Orphan's Court Action Number OC-26-2010. The First and Final Account of Adams County National Bank, Executor of the Estate of Louis B. Toler, late of the Borough of Bonneauville, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

3/26 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land, North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at lands now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same, North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same, South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same, South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point; thence in same, South 25 degrees 06 minutes 30 seconds West, 2346.85 feet to a concrete nail, the place of BEGINNING. CONTAINING 2.1100 acres.

TITLE TO SAID PREMISES IS VESTED IN Lillian M. Armon, by Deed from Conesco Finance Consumer Discount Company, dated 10/22/2002, recorded 10/29/2002, in Deed Book 2854, page 83.

Tax Parcel: 29-F05-0009D-000

Premises Being: 40 Clines Church Rd., Aspers, PA 17304-9790

SEIZED and taken into execution as the property of **Lillian M. Loubier a/k/a Lillian M. Armon** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-SU-1469 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land, together with improvements thereon, situate on the northerly right-of-way line of Abbotts Drive in the Borough of Abbottstown, County of Adams, and State of Pennsylvania, known and numbered as Lot No. 38 on a plan of lots for Abbotts Manor, Phase II, recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Subdivision Plat 73, page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the northerly right-of-way line of Abbotts Drive at a corner of Lot No. 37 on a final plan of lots for Abbotts Manor, Phase I, recorded in the aforesaid Recorders Office in Plat Book 69, page 95; thence extending along the said Lot No. 37 North 30 degrees 02 minutes 10 seconds West, 277.24 feet to a point; thence North 64 degrees 04 minutes 00 seconds East, 62.30 feet to a point or a corner of Lot No. 39 on a plan of lots for Abbotts Manor, Phase II, recorded in the aforesaid Recorder of Deeds Office in Plat Book 73, page 43; thence extending along the said right-of-way of Abbotts Drive on a line curving to the right having a radius of 170.00 feet an arc distance of 86.06 feet with a chord bearing South 45 degrees 27 minutes 41 seconds West, 85.14 feet to the point and place of BEGINNING.

PARCEL NO. 5-52

Premises Being: 173 Abbotts Drive, Abbottstown, PA 17301

SUBJECT TO all covenants, restrictions, reservations, easements, conditions and rights appearing of record and subject to any state of facts an accurate survey would show.

BEING the same premises which David A. Lex and Angela M. Lex, husband and wife, by Deed dated July 21, 2007, and recorded August 1, 2007, in the Office of the Recorder of Deeds in and for the County of Adams, in Deed Book 4930, Page 96, granted and conveyed unto Richard D. McNeil and Carol L. McNeil.

SEIZED and taken into execution as the property of **Richard D. McNeil & Carol L. McNeil** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/19, 26 & 4/1

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 MARLIN R. DERR, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Ronald R. Derr, 3308 Rueckert Avenue, Baltimore, MD 21214; Patricia D. Johnson, 55 Casino Drive, Hanover, PA 17331

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

ESTATE OF EDGAR S. FISCLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Roney R. Sebastian, 385 Ridge Road, Gettysburg, PA 17325

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

ESTATE OF JOYCE E. KANE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Leon B. Lentz, 872 Woodland Drive, Chambersburg, PA 17201

Attorney: David W. Rahauer, Esq., 157 E. Washington Street, Chambersburg, PA 17201

SECOND PUBLICATION**ESTATE OF BERNADETTE C. ACKERMAN a/k/a BERNADETTE CATHERINE ACKERMAN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Pamela Joan McMaster, 558-1/2 Baltimore St., Hanover, PA 17331

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

ESTATE OF ARTHUR LEROY BOLLINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Connie M. Hemingbrough, c/o Michael F. Fenton, Esq., 149 East Market St., 3rd Floor, York, PA 17401

Attorney: Michael F. Fenton, Esq., 149 East Market St., 3rd Floor, York, PA 17401

ESTATE OF LEONA CATHERINE BRIGHT, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Mary Leona Bitzel, 1410 Fish and Game Road, Littlestown, PA 17340

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

ESTATE OF ETHEL L. CLOUSER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Richard E. Clouser, c/o Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403

ESTATE OF MARILYN B. CROOKS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Andrew R. Crooks, 524 West Middle St., Hanover, PA 17331

ESTATE OF ANNI GAUSSMANN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Christina M. Duncan, 324 Second St., Hanover, PA 17331

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York St., Hanover, PA 17331

ESTATE OF GERTRUDE E. HANSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: James C. Hanson, 14535 MacClintock Drive, Glenwood, MA 21738; Elizabeth Ann Phillips-Hershey, P.O. Box 75, Lititz, PA 17543

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

ESTATE OF MARIE E. HOFFMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Joan L. Peck, 171 Cavalry Field Rd., Gettysburg, PA 17325; James E. Hoffman, 155 Cavalry Field Rd., Gettysburg, PA 17325

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

ESTATE OF VIRGINIA M. KIMBLE, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Eleanor M. Lippy, 784 Hanover Pike, Littlestown, PA 17340

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

ESTATE OF MARTHA JANE WEIGLE a/k/a MARTHA J. WEIGLE, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Mr. John E. Shull, 660 G Green Springs Road, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Becker & Strausbaugh, P.C., 544 Carlisle St., Hanover, PA 17331

THIRD PUBLICATION**ESTATE OF NORDELLE FELLOWS, DEC'D**

Late of Freedom Township, Adams County, Pennsylvania

Alexis J. Fellows, 1910 Bullfrog Road, Fairfield, PA 17320

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

ESTATE OF ROBERT B. FORTENBAUGH, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Robert K. Fortenbaugh, 165 H. Church Road, Orrtanna, PA 17353

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

ESTATE OF JAMES B. GRAFF, DEC'D

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

Edmund D. Graff, 9103 Oak Chase Court, Fairfax Station, VA 22039

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

ESTATE OF RALPH S. HENDERSON a/k/a RALPH STEPHEN HENDERSON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Linda Jo Henderson, 736 Poplar Street, Hanover, PA 17331

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

THIRD PUBLICATION (CONTINUED)

ESTATE OF LUCILLE D. HILL, DEC'D

Late of the Borough of Gettysburg,
Adams County, PennsylvaniaExecutor: Wayne D. Hill and Bruce G.
Hill, 10 White Oak Trail, Gettysburg,
PA 17325Attorney: Teeter, Teeter & Teeter, 108
W. Middle St., Gettysburg, PA 17325ESTATE OF HERMINE T. KECKLER,
DEC'DLate of Hamilton Township, Adams
County, PennsylvaniaExecutor: Samuel J. Keckler, 8464
Jalal Street, Lakeside, CA 92040Attorney: Wendy Weikal-Beauchat,
Esq., 63 West High St., Gettysburg,
PA 17325**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1707 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of May, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Oxford Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the property line of Carly Drive, a 50-foot street, at corner of Lot No. 549, on the hereinafter referred plan of lots; thence by said lot by a curve to the right, the radius of which is 175.00 feet, an arc length of 76.86 feet and having a chord bearing and distance of North 67 degrees 08 minutes 26 seconds East, 76.24 feet to a point on the property line of Carly Drive, aforesaid; thence by said street South 86 degrees 08 minutes 55 seconds East, 19.00 feet to a point at the property line of Carly Drive and John Drive, a 50-foot street; thence by said street by a curve to the left, the radius of which is 135.00 feet, an arc length of 113.90 feet and having a chord bearing and distance of South 22

degrees 41 minutes 09 seconds East, 110.55 feet to a point on the property line of John Drive and Lot No. 547, on the hereinafter referred plan of lots; thence by said lot North 87 degrees 42 minutes 23 seconds West, 119.45 feet to a point on the property line of Lot No. 549 and at corner of Lot No. 547, aforesaid; thence by said lots North 10 degrees 16 minutes 40 seconds West, 70.00 feet to a point on the property line of Carly Drive, the point and place of BEGINNING.

BEING KNOWN AS Lot No. 548 on a plan of lots of Oxford Estates, Tract II - Phase Three, and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 57 at Page 42.

UNDER AND SUBJECT, NEVERTHELESS to the restrictions, easements and rights-of-way as shown on the aforesaid plan of lots; and to the restrictions more fully described in Deed Book 667 at Page 0070.

TITLE TO SAID PREMISES IS VESTED IN James W. Black, by Deed from Frank D. Cassatt, Jr. and Brenda S. Cassatt, h/w, dated 01/30/2007, recorded 02/01/2007 in Book 4729, Page 322.

Tax Parcel: 35,010-0064---000

Premises Being: 3 John Drive, Lot 548, New Oxford, PA 17350-9357

SEIZED and taken into execution as the property of **James W. Black** 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 May 28, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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.

3/12, 19 & 26

ATTENTION ATTORNEYS YOUR OFFICE IS WAITING FOR YOU.

Fully furnished office space is available
in a modern facility in Carlisle, 20 minutes
from Harrisburg, with free parking.

Sub-lease agreement includes many
extras including administrative support
by Paralegal, office computer,
online legal research, and access to
a fully furnished conference room.

Contact:
Knight & Associates, P.C.
(717) 249-5373