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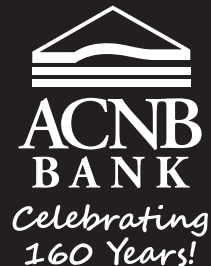
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NOTICE

On the 26th day of October, 2021, at 1:00 p.m., a hearing will be held in the Adams County Courthouse, in Courtroom No. 1, Gettysburg, PA, to determine whether the Upper Adams School District shall sell the former Bendersville Elementary School located at 137 Rampike Hill Road, Bendersville Borough, Pennsylvania, to Hope Mennonite Fellowship, Inc., for the purchase price of \$595,000.00, upon terms and conditions set forth in an Agreement of Sale dated August 24, 2021.

Any person who wishes to oppose the sale must attend the hearing and be heard.

Robert L. McQuaide, Esq.
Solicitor
(717) 253-9012

10/8, 10/15, & 10/22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 19, 2021, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is AT THE CROSS WORSHIP CENTER, INC. The purpose for which it is has been organized is for a church and religious worship.

Scott J. Strausbaugh, Esq.
Strausbaugh Law, PLLC
1201 W. Elm Avenue, Suite #2
Hanover, PA 17331
Attorney for
At the Cross Worship Center, Inc.

10/8

MARK BASORE VS. CHAD SANNER

1. Defendant's first Preliminary Objection is sustained. It is well established under Pennsylvania law that a complaint for breach of a written contract is subject to dismissal if it does not include an attached copy of the contract.

2. Moreover, Plaintiff plainly failed to verify the allegations in his Complaint pursuant to Pennsylvania Rule of Civil Procedure 1024(a), ...

3. Although the Complaint makes a general allegation of fraud, it fails to allege the basis of the allegation with particularity including any reference to the specific facts alleged to be fraudulent.

4. Although the parties are proceeding *pro se*, which is their right, they are cautioned that they must comply with the Pennsylvania Rules of Civil Procedure.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 2021-SU-512, MARK BASORE VS. CHAD
SANNER.

Mark Bashore, *pro se* Plaintiff

Chad Sanner, *pro se* Defendant

George, P. J., September 7, 2021

OPINION

Mark Basore ("Plaintiff") initiated this litigation against Robert Sanner a/k/a Chad Sanner ("Defendant") seeking damages arising from his purchase of allegedly defective seal coating equipment from Defendant. Essentially, Plaintiff alleges (1) Defendant breached the contract for the sale of goods by selling him defective goods which Defendant represented as acceptable; and (2) Defendant fraudulently concealed defects in the goods. Defendant raises a number of Preliminary Objections to Plaintiff's Complaint. Initially, Defendant complains that Plaintiff failed to attach a copy of the parties' contract to the Complaint or, in the alternative, to explain why the contract could not be attached to the Complaint. Included within the same Preliminary Objection is a claim that Plaintiff failed to verify his averments.¹ Next, Defendant alleges that Plaintiff failed to plead certain facts with the requisite specificity. Finally, Defendant demurs to both causes of action. Each Preliminary Objection will be addressed seriatim.

Defendant's first Preliminary Objection argues that Plaintiff's Complaint violated Pennsylvania Rule of Civil Procedure 1028(a)(2)

¹ Both parties are proceeding *pro se*. Although Defendant's merger of two arguments in a single Preliminary Objection is unartfully pled, the Court will consider the pleading liberally in the context of the Rules of Civil Procedure. *See* Pa. R. Civ. P. 126.

because it does not attach a copy of the parties' written contract or plead the contract's essential terms and explain why the contract could not be attached to the Complaint. Defendant's first Preliminary Objection is sustained. It is well established under Pennsylvania law that a complaint for breach of a written contract is subject to dismissal if it does not include an attached copy of the contract. *See* Pa. R. Civ. P. 1019(i); *Brimmeier v. Pa. Turnpike Comm'n*, 147 A.3d 954, 967-68 (Pa. Commw. Ct. 2016), *aff'd*, 161 A.3d 253 (Pa. 2017) (*quoting Adamo v. Cini*, 656 A.2d 576, 579 (Pa. Commw. Ct. 1995)) (“[A] complaint should be stricken for failure to attach [an] essential document.”). Here, Plaintiff has pled the existence of a written contract but failed to attach a copy of the contract or adequately explain his failure to do so.

Moreover, Plaintiff plainly failed to verify the allegations in his Complaint pursuant to Pennsylvania Rule of Civil Procedure 1024(a), which provides:

- (a) Every pleading containing an averment of fact not appearing of record in the action or containing a denial of fact shall state that the averment or denial is true upon the signer's personal knowledge or information and belief and shall be verified.

Accordingly, Defendant's initial Preliminary Objections are sustained. Although the Complaint will be dismissed on the basis of the initial Preliminary Objections rendering further discussion unnecessary, the remaining Preliminary Objections will be briefly discussed in order to guide the parties' future pleadings, if any.

In the Preliminary Objections, Defendant also claims that Plaintiff failed to plead certain facts with the requisite specificity. The objection is well placed. Although the Complaint makes a general allegation of fraud, it fails to allege the basis of the allegation with particularity including any reference to the specific facts alleged to be fraudulent, Defendant's fraudulent intent, or “justifiable reliance” by Plaintiff. *See* Pa. R. Civ. P. 1019(b); *Youndt v. First Nat'l Bank*, 868 A.2d 539, 545 (Pa. Super. 2005). In future pleadings, averments of fraud must be averred with particularity. Pa. R. Civ. P. 1019.

Although the parties are proceeding *pro se*, which is their right, they are cautioned that they must comply with the Pennsylvania Rules of Civil Procedure. *See, e.g., City of Philadelphia Water*

Revenue Bureau v. Frempong, 744 A.2d 822, 824 (Pa. Commw. Ct. 2000) (quoting ***Jones v. Rudenstein***, 585 A.2d 520 (Pa. Super. 1991), *appeal denied*, 600 A.2d 954 (Pa. 1991)) (“A *pro se* litigant is not absolved from complying with procedural rules.”). For instance, while pleading more than one cause of action in a single complaint is proper, each cause of action and any special damage related thereto must be stated in a separate count. Pa. R. Civ. P. 1020(a). As mentioned, every pleading containing an averment of fact must be verified. Pa. R. Civ. P. 1024. Although Plaintiff will be granted the opportunity to amend the Complaint, continued violations of the Rules of Civil Procedure may result in future dismissal of the Complaint with prejudice.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 7th day of September, 2021, Defendant’s Preliminary Objections are sustained. The Complaint in this matter is stricken. Plaintiff is granted twenty (20) days from the date of this Order within which to file an Amended Complaint or suffer judgment of nolle pros.

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF JOHN A. BARNES, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Donna B. White, 305 High Street, P.O. Box 171, Cashtown, PA 17310

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NANCY A. MUSSELMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Sue Anne Wentz, c/o Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF BARBARA ANN PRUNER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Dianne L. Stadler, 4 Raven Trail, Fairfield, PA 17320

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

SECOND PUBLICATION**ESTATE OF PHYLLIS CUNNINGHAM, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: Randy Dell a/k/a James Randy Dell, 51 East Locust Street, New Oxford, PA 17350

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

ESTATE OF WILLIAM D. DAILEY, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Co-Executrices: Robin Novak and Leslie Rosendale, 101 Quail Court, Littlestown, PA 17340

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

ESTATE OF ARLENE M. EVANS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Christine M. Martin, c/o Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2 Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2 Hanover, PA 17331

ESTATE OF JOHN G. NOEL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representatives: William L. Noel, 2825 Centennial Road, Hanover, PA 17331; Patricia L. Eckenrode, 10 Monroe Street, Hanover, PA 17331

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

ESTATE OF FRANKLIN W. SHULL, SR., a/k/a FRANKLIN W. SHULL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Bonnie Willard, 14406 Tower Road, Waynesboro, PA 17268

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

THIRD PUBLICATION**ESTATE OF MARJORIE JUNE BRADLEY, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Calvin Lundell Bradley, 800 Granite Station Road, Gettysburg, PA 17325

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

ESTATE OF LESTER EUGENE GABLE, JR., a/k/a LESTER E. GABLE, JR., DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Executor: Jodi L. Plank, 104 4th Street, East Berlin, PA 17318

ESTATE OF TERRY LEE HAWK, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Arlene F. Helm, 1317 Frederick Pike, Littlestown, PA 17340

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

ESTATE OF NANCY M. KRANIAS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Catherine K. Leedy, 95 Harvest Drive, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ERIC D. LINDEMAN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Personal Representative: Rita Frealing a/k/a Rita C. Frealing-Lindeman, 261 S. Washington Street, Gettysburg, PA 17325

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

ESTATE OF LARRY E. MCCLEAF, SR., DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Larry E. McCleaf, Jr., 1161 Ledge Drive, York, PA 17408

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION CONTINUED

ESTATE OF SARA J. MOODY, DEC'D
Late of the Borough of Bonneauville,
Adams County, Pennsylvania
Administratrix: Sara M. Moody-
Wilhelm, 110 Jessica Drive,
Gettysburg, PA 17325
Attorney: Bernard A. Yannetti, Esq.,
Hartman & Yannetti, 126 Baltimore
Street, Gettysburg, PA 17325

ESTATE OF JEFFREY J. WOOD, SR.
a/k/a JEFFREY JOHN WOOD, DEC'D
Late of the Borough of Gettysburg,
Adams County, Pennsylvania
Administrator: James U. Wood, c/o
Kevin G. Robinson, Esq., Gates &
Gates, P.C., 28 E. Middle Street,
Gettysburg, PA 17325
Attorney: Kevin G. Robinson, Esq.,
Gates & Gates, P.C., 28 E. Middle
Street, Gettysburg, PA 17325

ESTATE OF CLARENCE E. SCOTT, SR.,
DEC'D
Late of Highland Township, Adams
County, Pennsylvania
Clarence E. Scott, Jr., 490 Quaker Hill
Road, Union Bridge, MD 21791
Attorney: David K. James, III, Esq.,
234 Baltimore Street, Gettysburg,
PA 17325



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