

Adams County **Legal Journal**

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IN THIS ISSUE

ADAMS COUNTY NATL. BANK VS. TALEX

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*Ryan Fox
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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. 10-S-1430 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-1430

MIDFIRST BANK

vs.

LINDA K. CULLEN &
DAVID A. CULLEN

75 DERBY DRIVE
HANOVER, PA 17331-8623
CONEWAGO TOWNSHIP

Parcel No.: 08-036-0007---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$224,436.65
PLUS COSTS

Attorneys for Plaintiff
PURCELL, KRUG & HALLER
717-234-4178

SEIZED and taken into execution as the property of **Linda K. Cullen & David N. Cullen** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2643 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 10-S-2643

WELLS FARGO BANK NA

vs.

JOSEPH L. BENEDICT &
CRYSTAL BENEDICT

82 CONEWAGO DRIVE
HANOVER, PA 17331
CONEWAGO TOWNSHIP

Parcel No.: 08-001-0221

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$150,931.60
PLUS COSTS

Attorneys for Plaintiff
ZUCKER, GOLDBERG & ACKERMAN,
LLC

SEIZED and taken into execution as the property of **Joseph L. Benedict & Crystal Benedict** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1054 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution No. 08-S-1054

PRIVATE CAPITAL GROUP LLC

vs.

DANIEL J. BOONE
196 MARSH CREEK HEIGHTS
GETTYSBURG, PA 17325
FREEDOM TOWNSHIP

Parcel No.: 13-E17-0036---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING
JUDGEMENT AMOUNT: \$92,516.91
PLUS COSTS

Attorneys for Plaintiff
ZUCKER, GOLDBERG & ACKERMAN,
LLC, 908-233-8500

SEIZED and taken into execution as the property of **Daniel J. Boone** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

ADAMS COUNTY NATL. BANK VS. TALEX

1. In the area of mortgage foreclosure, appellate authority specifically instructs that general denials by mortgagors relating to the principal and interest owing must be considered admissions of facts as the mortgagors are the only party who could have sufficient knowledge on which to base a specific denial.

2. Where the mortgagors admit the mortgage is in default, they have failed to pay interest on the obligation, and that the recorded mortgage is in a specified amount, summary judgment remains appropriate.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 10-S-193, ADAMS COUNTY NATIONAL BANK VS.
TALEX ENTERPRISES.

Edward G. Puhl, Esq., for Plaintiff
Robert E. Chernicoff, Esq., for Defendant
George, J., October 15, 2010

OPINION

Before the Court for disposition is a Motion for Summary Judgment filed on behalf of the Plaintiff, Adams County National Bank (“Bank”), seeking summary judgment in an action for mortgage foreclosure against Talex Enterprises (“Talex”). The motion seeks *in rem* judgment in the amount of \$928,631.79 plus interest and costs. Bank argues that Talex’s admissions in their Answer to the Complaint are sufficient to award judgment in favor of Bank. Bank suggests that Talex’s failure to specifically deny allegations in the Complaint results, as a matter of law, in deemed admissions. Bank suggests that once all deemed admissions are taken into account, there is no remaining legal or factual dispute. Talex, on the other hand, argues that the answers to the Complaint are sufficiently specific to avoid a conclusion of “deemed admissions.” In essence, Talex suggests that the pleadings create a factual dispute sufficient to avoid summary judgment.¹

¹ Although styled as a Motion for Summary Judgment, the current motion is essentially a Motion for Judgment on the Pleadings as the record has not been supplemented through depositions, answers to interrogatories, admissions, or affidavits. Rather, the Court is currently being requested to enter judgment on the admissions and deemed admissions in the pleadings. A motion for summary judgment specifically permits the introduction of outside material unlike the motion for judgment on the pleadings where the court is limited in its consideration to factual material contained in the pleadings. *Bear v. Reformed Mennonite Church*, 341 A.2d 105 (Pa. 1975).

A motion for judgment on the pleadings should be granted only where the pleadings demonstrate that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Ridge v. State Employees' Retirement Bd. of the Com. of Pa.*, 690 A.2d 1312 (Pa. Cmwlth. 1997).² After reviewing the Complaint and Answer in this matter, I conclude that the entry of judgment in favor of Bank is appropriate.

Bank's Complaint alleges that Talex executed and delivered to Bank a mortgage upon real estate which secured a note from Talex payable to Bank. Talex admits ownership of the real property which is the subject of the mortgage. Finally, Bank alleges that the mortgage is in default for payments which became due and payable on October 2, 2009 and subsequent thereafter which remain due and unpaid. In response to this allegation, Talex makes a general denial which includes a claim that all payments may not have been properly credited and requests a strict accounting of payments made. Critically, Talex does not specifically deny being in default of the mortgage.

Pennsylvania Rule of Civil Procedure 1029 directs that a general denial in a pleading shall have the effect of an admission. In the area of mortgage foreclosure, appellate authority specifically instructs that general denials by mortgagors relating to the principal and interest owing must be considered admissions of facts as the mortgagors are the only party who would have sufficient knowledge on which to base a specific denial. *New York Guardian Mortgage Corp. v. Dietzel*, 524 A.2d 951, 952 (Pa. Super. 1987). Instantly, Talex's Answer only generally denies the default. The allegation that payments "may not have been properly credited" does not overcome the generality of this denial as Talex clearly is aware of the extent of the payments made. As such, the allegation that Talex has defaulted on payments due and owing will be deemed admitted.

In actions for *in rem* foreclosure due to a party's failure to pay a debt, summary judgment is proper where the party admits failure to

² The standard applicable to the grant of a motion for judgment on the pleadings is identical to that of a motion for summary judgment. See generally *Toy v. Metropolitan Life Ins. Co.*, 928 A.2d 186 (Pa. 2007). Nevertheless, unlike a motion for judgment on the pleadings, and a motion for summary judgment, the responding party has an affirmative duty to file a response within 30 days of the motion. Pa. R.C.P. 1035.3.

make the payments due and fails to sustain a cognizable defense to the plaintiff's claim. *Gateway Towers Condominium Ass'n. v. Krohn*, 845 A.2d 855 (Pa. Super. 2004). The Bank has met that criteria. Although Talex's Answer specifically raises a material issue of disputed fact concerning proper allocation of all payments and the amount of attorney fees, where "the mortgagors admit the mortgage is in default, they have failed to pay interest on the obligation, and that the recorded mortgage is in a specified amount, summary judgment remains appropriate." *Cunningham v. McWilliams*, 714 A.2d 1054, 1057 (Pa. Super. 1998).

Absent affidavits, depositions, or other information in support of the motion, this Court is unable to reach conclusion as to the amount of judgment as a potential factual dispute exists. Accordingly, summary judgment will be granted, however, this Court will schedule separate hearing to ascertain the amount of damages including the amount of legal fees applicable.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 15th day of October, 2010, Plaintiff's Motion for Summary Judgment is granted. *In rem* judgment in mortgage foreclosure is entered in favor of the Plaintiff and against the Defendant.

Hearing on assessment of damages is scheduled for November 16, 2010 at 9:00 a.m. in Courtroom No. 1 of the Adams County Courthouse at which time the parties are directed to appear.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1787 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1787

BENEFICIAL CONSUMER DISCOUNT
COMPANY D/B/A BENEFICIAL
MORTGAGE CO OF PENNSYLVANIA
vs.

DAVID A. BLANKENBUEHLER,
ORIGINAL MORTGAGOR &
WENDY J. MALLETT a/k/a WENDY J.
BLANKENBUEHLER, ORIGINAL
MORTGAGOR

284 SEVEN STARS ROAD
GETTYSBURG, PA 17325
FRANKLIN TOWNSHIP

Parcel No.: 12-E12-0029E---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$243,576.99
PLUS COSTS

Attorneys for Plaintiff
MILSTEAD & ASSOCIATES, LLC
858-482-1400

SEIZED and taken into execution as the property of **David A. Blankenbuehler & Wendy J. Mallette a/k/a Wendy J. Blankenbuehler** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1575 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1575

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

ARTHUR ENSOR II & CHERYL ENSOR
61 ABBOTTS DRIVE
ABBOTTSTOWN, PA 17301
ABBOTTSTOWN BOROUGH
Parcel No.: 01-005-0042

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$172,001.90
PLUS COSTS

Attorneys for Plaintiff
STERN AND EISENBERG, LLP
215-572-8111

SEIZED and taken into execution as the property of **Arthur E. Ensor II & Cheryl Ann Ensor** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2138 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-2138

WELLS FARGO BANK, NA
vs.

PATRICK M. DIXON & LORI A. DIXON
305 STONE JUG ROAD
BIGLERVILLE, PA 17307
BUTLER TOWNSHIP

Parcel No.: 07G08-0039-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$264,880.74

Attorneys for Plaintiff
ZUCKER, GOLDBERG & ACKERMAN,
LLC, 908-233-8500

SEIZED and taken into execution as the property of **Patrick M. Dixon & Lori A. Dixon** 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 20, 2011, 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 date.

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

3/18, 25 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-2234 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-2234

BANK OF NEW YORK MELLON
TRUST COMPANY NA

vs.

SUZAN A. FLICKINGER &
WILLIAM L. FLICKINGER

833 HANCOCK DRIVE
GETTYSBURG, PA 17325
MT. JOY TOWNSHIP

Parcel No.: (30)109-0071---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$147,341.91
PLUS COSTS

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER
215-627-1322

SEIZED and taken into execution as the property of **Suzan A. Flickinger & William L. Flickinger** 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 20, 2011, 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 date.

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

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1846 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1846

BENEFICIAL CUSTOMER DISCOUNT
COMPANY D/B/A BENEFICIAL
MORTGAGE CO OF PENNSYLVANIA
vs.

JAMES S. REDDING &
KATHLEEN E. REDDING

417 PRINCE STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27-5-39

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$147,341.91
PLUS COSTS

Attorneys for Plaintiff
MILSTEAD & ASSOCIATES, LLC
856-482-1400

SEIZED and taken into execution as the property of **James S. Redding & Kathleen E. Redding** 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 20, 2011, 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 date.

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

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-TL-312 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-TL-312

LITTLESTOWN BOROUGH
vs.

RYAN GLOVER

31 STARLITE DRIVE
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 011-0129

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$5,393.82

Attorneys for Plaintiff
CAMPBELL & WHITE, P.C.
717-334-9275

SEIZED and taken into execution as the property of **Ryan M. Glover** 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 20, 2011, 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 date.

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

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-956 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-956

PEOPLES BANK

vs.

JOHN A. TOPPER & MARY JO
TOPPER & WILLIAM H. GEMMILL &
THE UNITED STATES OF AMERICA

2214 STONEY POINT ROAD

EAST BERLIN, PA 17316

READING TOWNSHIP

Parcel No.: 36-K05-0039

IMPROVEMENTS THEREON: LAND

JUDGEMENT AMOUNT: \$59,681.92
PLUS COSTS

Attorneys for Plaintiff

GRIEST, HIMES, HERROLD,
SCHAUMANN, FERRO, LLP
717-864-8856

SEIZED and taken into execution as
the property of **John A. Topper & Mary
Jo Topper and William H. Gemmill** 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 20, 2011, 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 prop-
erty on or before filing date.

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

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

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-1519 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-1519

US BANK NATIONAL ASSOCIATION

vs.

JOHN S. RUTHERFORD &
LEE ANNE RUTHERFORD

320 WAYNESBORO PIKE
FAIRFIELD, PA 17320-9483

LIBERTY TOWNSHIP

Parcel No.: 25-C18-0053---000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGEMENT AMOUNT: \$338,028.00
PLUS COSTS

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
215-563-7000

SEIZED and taken into execution as
the property of **John S. Rutherford &
Lee Anne Rutherford** 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 20, 2011, 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 prop-
erty on or before filing date.

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

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

3/25, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1431 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2011, 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.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1431

JERZY WIRTH ASSIGNEE OF PNC
BANK NATIONAL ASSOCIATION

vs.

TILLIE PIERCE HOUSE LLC
301-303 BALTIMORE STREET
GETTYSBURG, PA 17325
GETTYSBURG BOROUGH

Parcel No.: 16-010-0354---000

IMPROVEMENTS THEREON:
COMMERCIAL BUILDING

JUDGEMENT AMOUNT: \$314,703.87
PLUS COSTS

Attorneys for Plaintiff

PATRONO & ASSOCIATES, LLC
717-334-8098

SEIZED and taken into execution as
the property of **Tillie Pierce House LLC**
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 20, 2011, 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 prop-
erty on or before filing date.

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

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

3/25, 4/1 & 8

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 FRED A. BENNER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executors: Robert L. Rohrbaugh and Ann M. Rohrbaugh, 298 Middle Creek Road, Fairfield, PA 17320

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN M. BUHRMAN, JR. a/k/a JOHN BUHRMAN, JR., DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Donald R. Buhrman, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 2005 East Main Street, Waynesboro, PA 17268

ESTATE OF BETTY J. CLAPSADDLE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: G. Darlene Bair and Donald P. Bair, 226 Centennial Road, Gettysburg, PA 17325; Charlotte Devilbiss, 6129 Taneytown Pike, Taneytown, MD 21787

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF CARMENA L. HESS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Trustee: Robert C. Hess, 135 Netherwood Drive, Coatesville, PA 19320

Attorney: Susan E. Lederer, Esq., 5011 Locust Lane, Harrisburg, PA 17109

ESTATE OF CARRIE E. MUMMERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Mary Ann Mummert and David Irvin Mummert, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF ANTONIO PALMONARI, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Dale V. Palmonari, 1014 West Third Street, Washington, MO 63090

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

ESTATE OF MILDRED L. SEIFERT a/k/a MILDRED LUCILLE SEIFERT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Harry P. Seifert, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF HARVEY R. STOVER a/k/a HARVEY R. STOVER, JR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Jerry Kimmel, c/o John M. Hamme, Esq., 1946 Carlisle Road, York, PA 17408

Attorney: John M. Hamme, Esq., 1946 Carlisle Road, York, PA 17408

ESTATE OF PAULINE H. WHISTLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Faye C. Bixler, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF ANNA WINIFRED COLLINS, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Vicki Ann Rosensteel, 109 West Main Street, Fairfield, PA 17320

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

ESTATE OF MARY E. HARTMAN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Richard L. Hartman, 59 Apple Lane, Biglerville, PA 17307

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325

ESTATE OF RICHARD C. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Joan L. Hartlaub, 16 Wappler Drive, Hanover, PA 17331

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

ESTATE OF ERNEST E. LIGHT, SR., DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executors: Barbara E. Harman, 484-A Brough Rd., Abbottstown, PA 17301; David E. Light, Sr., 6 West Locust Street, New Oxford, PA 17350

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

ESTATE OF JOHN L. STREEB, DEC'D

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

Executrix: Pamela J. Pavlovsky, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF DAVID M. TIMMERMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Andrea L. Timmerman, 2636 Emmitsburg Rd., Unit 47, Gettysburg, PA 17325

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

ESTATE OF SARAH A. TODT, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: JoAnn McMaster, 650 Church Street, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

(continued on page 7)

THIRD PUBLICATION

ESTATE OF W. E. BEAVER a/k/a
WILLIAM EDWARD BEAVER a/k/a
WILLIAM E. BEAVER, DEC'D

Late of Reading Township, Adams
County, Pennsylvania

Executor: Daniel C. Beaver, c/o Charles
E. Shields, III, Esq., 6 Clouser Rd.,
Mechanicsburg, PA 17055

Attorney: Charles E. Shields, III, Esq.,
6 Clouser Rd., Mechanicsburg, PA
17055

ESTATE OF MARY S. ERB a/k/a MARY
M. ERB, DEC'D

Late of Straban Township, Adams
County, Pennsylvania

Executor: Richard R. Garverick, 117
Artillery Rd., Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher,
220 Baltimore Street, Gettysburg,
PA 17325

ESTATE OF JAMES P. HAHN, DEC'D

Late of the Borough of Littlestown,
Adams County, Pennsylvania

Robert A. Hahn, 6654 Baltimore Pike,
Littlestown, PA 17340

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

ESTATE OF FRED A. HARNER, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executor: Michael J. Harner, c/o
Douglas H. Gent, Esq., Law Offices
of Douglas H. Gent, 1157
Eichelberger Street, Suite 4,
Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law
Offices of Douglas H. Gent, 1157
Eichelberger Street, Suite 4,
Hanover, PA 17331

ESTATE OF GEORGE J. HIPPEN-
STEEL, JR., DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrix: Barbara J. Hippensteel, 351
Third St., Hanover, PA 17331

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

ESTATE OF MILDRED F. MCCLEAF,
DEC'D

Late of Butler Township, Adams
County, Pennsylvania

Co-Executors: William J. McCleaf, 1230
Stone Jug Rd., Biglerville, PA 17307;
Kathleen L. Allwein, 955 Arendtsville
Rd., Biglerville, PA 17307

Attorney: Puhl, Eastman & Thrasher,
220 Baltimore Street, Gettysburg,
PA 17325

ESTATE OF GLADYS E. RUTTERS,
DEC'D

Late of Reading Township, Adams
County, Pennsylvania

Co-Executors: Henrietta E. Wolf, P.O.
Box 135, East Berlin, PA 17316;
Frederick R. Rutters, II, P.O. Box 241,
East Berlin, PA 17316

Attorney: Clayton R. Wilcox, Esq., P.O.
Box 176, Littlestown, PA 17340

NOTICE

NOTICE IS HEREBY GIVEN that Todd
A. King, Esq., intends to apply in open
court for admission to the Bar of the
Court of Common Pleas of Adams
County, Pennsylvania, on the 6th day of
May, 2011, and that he intends to practice
law as an Associate Attorney in the
law firm of Campbell & White, P.C.,
County of Adams, 112 Baltimore Street,
Gettysburg, Pennsylvania.

3/11, 18 & 25

**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 Friday, April 8,
2011 at 8:30 a.m.

AVERSA—Orphan's Court Action
Number OC-14-2011. The First and Final
Account of Cecilia Burkle Jankura,
Executrix of the Estate of Anne M.
Aversa, deceased, late of Franklin
Township, Adams County, Pennsylvania.

RIPPEON, JR.—Orphan's Court Action
Number OC-8-2010. The First and Final
Account of Brandon Rippeon,
Administrator of the Estate of Brandon F.
Rippeon, Jr., deceased, late of
Littlestown Borough, Adams County,
Pennsylvania.

FELLOWS—Orphan's Court Action
Number OC-15-2011. The First and Final
Account of Alexis J. Fellows, Executrix
under the Last Will and Testament of
Nordelle Fellows, deceased, late of
Freedom Township, Adams County,
Pennsylvania.

Kelly A. Lawver
Clerk of Courts

3/25 & 4/1

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 2011-S-349

IN RE: PETITION OF SCOTT M.
JONES, NATURAL FATHER OF AND
ON BEHALF OF, ALEXANDER
EDMUND TEETER

NOTICE

NOTICE IS HEREBY GIVEN, that on
March 9, 2011, the Petition of Scott M.
Jones, natural father of and on behalf of,
Alexander Edmund Teeter, was filed in
the above-captioned Court, requesting
an ORDER to change the name of
Alexander Edmund Teeter, a minor child,
to Alexander Edmund Teeter-Jones.

The Court fixed the day of June 3,
2011 at 8:30 a.m., in Courtroom Number
4, Third Floor of the Adams County
Courthouse, 111 Baltimore Street,
Gettysburg, Adams County,
Pennsylvania as the time, place and date
for the hearing on said petition, when
and where all interested parties may
appear and show cause, if any, why the
request of the Petitioner, on behalf of the
minor child, should not be granted.

Patrick W. Quinn, Esq.
Wolfe & Rice, LLC
47 West High Street
Gettysburg, PA 17325
717-337-3754
Attorneys for Petitioner

3/25