

# Adams County Legal Journal


Vol. 57

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## IN THIS ISSUE

INSURANCE AUTO AUCTION INC.  
V. LATIMORE TOWNSHIP ZONING HEARING BOARD



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

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IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY  
No. 15-SU-1448  
Action to Quiet Title

ROBERT J. MONAHAN, JR. and  
LAURIE H. MONAHAN, husband and  
wife, Plaintiffs  
vs.

TRAVEL RESORTS OF GETTYSBURG,  
LLC

GREGORY E. RUTH

MARIAN D. RUTH

WILLIAM J. CONROY

SHARON A. CONROY

LARRY E. MILLER

AMY L. MILLER

UNITED STATES OF AMERICA

HAVERFIELD INTERNATIONAL, INC.

DYLAN AVIATION, LLC

KYLE J. MESSICK

RACHEL R. MESSICK

WILLIAM J. MERRITT

Defendants

TO: WILLIAM J. MERRITT  
HIS HEIRS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS

TAKE NOTICE that on December 17, 2015, Robert J. Monahan, Jr. and Laurie H. Monahan, husband and wife, filed a Complaint in Action to Quiet Title, against multiple Defendants, including William J. Merritt, his heirs, administrators, successors and assigns, requesting that a deed restriction, originated with the original tract of land sold out to Defendants, be removed. The Complaint requests the Court to allow the removal of the restriction for the Plaintiff. The subject property is a tract of land situate in Cumberland Township, Adams County, Pennsylvania, being known as 1859 Emmitsburg Road, Gettysburg, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike South of the center of U.S. Route 15, the State Highway from Gettysburg To Emmitsburg, at corner of lands of Barge H. Donmoyer; thence along said lands and through a steel pin 30 feet from the corner, North 52 degrees 33 minutes West, 927.65 feet to a steel pin' thence

by lands now or formerly of George M. and Ruth Smith, North 33 degrees 19 minutes East, 836.93 feet to a steel pin; thence along a 33-foot wide right-of-way, South 52 degrees 24 minutes East, 873.84 feet through a steel pin 26.2 feet from the end of the course, to a point in the center of said U.S. Route 15, South 29 degrees 38 minutes 30 seconds West, 840 feet to the point in said U.S. Route 15, the place of BEGINNING. CONTAINING 17.231 acres.

The above description was taken from a draft of survey made August 27, 1957 by J.H. Rife Registered Engineer.

BEING THE SAME WHICH Robert L. Morris and Bonnie C. Morris, husband and wife, by a deed dated August 20, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 597 at page 666, sold and conveyed unto Robert J. Monahan, Jr. and Laurie H. Monahan, the Plaintiffs herein.

The Complaint requested the Court to enter a Decree and Order that the covenant and/or restriction described in the Complaint and that Defendants be forever barred from asserting any right or interest inconsistent with the interests of the Plaintiffs as set forth in their Complaint.

WHEREFORE, by Order dated April 8, 2016, the Court of Common Pleas of Adams County, Pennsylvania, has ordered that service of the Complaint be made on the above Defendant, his respective heirs, personal representatives, successors and assigns, by publication. Plaintiffs will request the Court to enter a final judgment ordering that any possible legal interest the Defendant might have had in the property be extinguished.

## NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint filed in the Adams County Court of Common Pleas at No. 03-SU-966 and described hereinabove, you must take action within twenty (20) days after this publication by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judg-

ment may be entered against you by the Court without further notice for the relief requested by the Plaintiffs. You may lose property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
717-334-6781

Hartman & Yannetti  
Bernard A. Yannetti, Esq.  
Attorney for Plaintiffs  
126 Baltimore Street  
Gettysburg, PA 17325  
717-334-3105

4/22

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on March 17, 2016, with the Department of State of the Commonwealth of Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The name of the corporation is RADON PROTECTION SERVICES OF GETTYSBURG, INC., with its principal office or place of business at 282 Longstreet, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are: Steve Gorman, 282 Longstreet Drive, Gettysburg, PA 17325 and Bob Anderson, 420 Funt Road, Aspers, PA 17304.

If you have any questions regarding the above ad, please feel free to contact us at 717-334-8098. Thank you.

John J. Murphy III, Esq.  
Patrono & Murphy, LLC  
28 West Middle Street  
Gettysburg, PA 17325  
(717) 334-8098

4/22

## INSURANCE AUTO AUCTION INC. V. LATIMORE TOWNSHIP ZONING HEARING BOARD

1. The use of the property as an auto auction prior to the adoption of a zoning ordinance in Latimore Township (May 5, 1987) rendered the auto auction's use as a valid non-conforming use.

2. In zoning cases where the trial court does not receive any additional evidence, the scope of review is limited to determining whether the Board committed an error of law or a manifest abuse of discretion.

3. A conclusion that the governing body abused its discretion may be reached only if its findings of fact are not supported by substantial evidence. Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion.

4. The Board's interpretation of the zoning ordinance it is charged with enforcing is generally entitled to a great degree of deference. The basis for this deference is the specific knowledge and expertise the Board possesses to interpret said zoning ordinances.

5. An owner asserting the protected status of a non-conforming use has the burden of proving that the use predated the pertinent ordinance.

6. While this Court recognizes that the ZHB is the sole judge of the credibility of witnesses and the weight afforded their testimony, such finding by the ZHB must be based upon substantial evidence contained within the record rather than a capricious disregard of evidence.

7. To qualify as a non-conforming use, the current use must be sufficiently similar to the non-conforming use as not to constitute a new or different use.

8. In determining what a proper continuation of a non-conforming use is, i.e., whether a proposed use bears adequate similarity to an existing non-conforming use, the doctrine of natural expansion must be given effect.

9. The doctrine of natural expansion permits a landowner to develop or expand a business as a matter of right notwithstanding its status as a non-conforming use.

10. A non-conforming use cannot be limited to the precise magnitude that existed on the day when zoning was adopted, and the owner cannot be prevented from making necessary additions to an existing structure as needed to accommodate increased trade, so long as such additions are not detrimental to the public health, safety and welfare.

11. The Pennsylvania Supreme Court has held that when considering a non-conforming use, the use of the land is the sole question and that the extent, quantity, and the quality of the use is immaterial.

12. The existing use is established once there has been a utilization of the premises so that they may be known in the neighborhood as being employed for a given purpose.

13. The operator of a non-conforming use may incorporate modern technology into his business without fear of losing that business.

14. Because the jurisdiction of the ZHB in this case was based on the filing of the Enforcement Notice by the ZO, the ZHB lacked jurisdiction and authority to grant a special exception with conditions of approval.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CIVIL 2015-S-339, INSURANCE AUTO AUCTION,  
INC. V. LATIMORE TOWNSHIP ZONING HEARING BOARD.

David A. Jones, II, Esq., Attorney for Plaintiff

Richard P. Mislitchy, Esq., Attorney for Defendant

Wagner, J., March 11, 2016

## OPINION

Before this Court is a Land Use Appeal filed by Appellants, Insurance Auto Auction Inc. (IAA), from a February 26, 2015 written decision by Appellee, Latimore Township Zoning Hearing Board (ZHB), concerning the automobile auction operated by IAA on three contiguous parcels of land<sup>1</sup> (Property) in Latimore Township. For the reasons set forth herein, Appellant's Land Use Appeal is granted.

## BACKGROUND

The relevant procedural history and facts are as follows. The Property at issue is the site of an automobile auction operated by IAA on property owned by Robert and Anna May Conley. The property consists of three parcels of land collectively known as 10 Auction Drive, York Springs, Latimore Township, Pennsylvania. Prior to May 5, 1987, the Conleys used all three tracts of the Property as a single property, on which they legally operated an auto auction. In 2012, the Conleys leased the Property to IAA for use as an auto auction.

On May 5, 1987, Latimore Township adopted its first zoning ordinance. The use of the Property as an auto auction prior to the adoption of a zoning ordinance in Latimore Township (May 5, 1987) rendered the auto auction's use as a valid non-conforming use.

In 2012 both the Conleys and IAA, through separate counsel, each requested the Latimore Township Zoning Officer confirm the legality of the non-conforming use of the Property as part of the due diligence for their 2012 lease agreement and to provide to PennDOT in support of IAA's application for an auto auction license for the Property. By letter dated August 27, 2012, the Zoning Officer (hereinafter ZO) confirmed the zoning of the Property and stated that "a Zoning Permit will be required prior to conducting business." By letter dated December 21, 2012, the ZO notified counsel for IAA that all three parcels comprising the Property are considered a valid non-conforming use as an auto auc-

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<sup>1</sup> Robert and Anna Mae Conley own the Property and lease it to IAA who currently operates an automobile auction. The property consists of three parcels of land collectively known as 10 Auction Drive, York Springs, PA. The entirety of the real estate is located within Latimore Township, Adams County, PA.

tion. Both letters from the ZO also indicated that the property could be used as an auto auction until this non-conforming use was abandoned or discontinued. On April 17, 2013, the ZO issued a Latimore Township Zoning Permit to IAA.<sup>2</sup> The Zoning Permit stated that the approved use is for an “Auto Auction (Non-Conforming)” at 10 Auction Drive, York Springs, PA. The Zoning Permit did not provide or note any physical or geographical restrictions on the use of the Property as an auto auction.

On January 31, 2014, the ZO, on behalf of Latimore Township, issued an Enforcement Notice alleging two violations of the Latimore Township Zoning Ordinance. The first alleged violation was for violation of Section 513.D.2 of the Latimore Township Zoning Ordinance “by extending a non-conforming use on three real estate parcels without authorization as a special exception.” The second alleged violation was an unspecified violation of the Latimore Township Zoning Ordinance for “expanding the business use of the three parcels over the entire tract despite the fact that only portions of the tract were used for such purposes at the time the Ordinance was enacted.”

On February 27, 2014, IAA timely appealed the Enforcement Notice to the ZHB. Hearings were held before the ZHB on June 5, 2014, July 30, 2014, August 27, 2014, September 30, 2014, November 4, 2014 and January 13, 2015. The ZO testified before the ZHB that all three tracts of the property have been actively and continually used as an auto auction for more than thirty years. (Tr. 71). The ZO testified that the auto auction was a non-conforming use during that entire time period. The ZO testified that the Enforcement Notice was based on an expansion of the business because IAA was using more of the property and had extended the use of the auto auction beyond what Conley used. (Tr. 74). The ZO testified that he considered the existing non-conforming use to be the area inside the fence except for the northwest portion of the area inside the fence where the land could not be used for the auto auction because of the slope of the land (Tr. 164, 168, 169). The ZO testified that that area of the northwest portion of the auto auction

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<sup>2</sup> Originally the Zoning Officer issued the permit dated February 26, 2013, with the incorrect address of 80 Auction Drive and thereafter reissued the permit on April 17, 2013.

property inside the fence and the grassy area along Auction Drive in the front of the auto auction constituted the areas of expansion on behalf of IAA after 2012. (Tr. 166-170). The ZO testified that he did not have any testimony or evidence to dispute Robert Conley's testimony. (Tr. 197). The ZO testified that he had no evidence to demonstrate that Conley did not use all parts of the property for auto auction purposes. (Tr. 205).

Robert Conley (hereinafter Conley) testified before the Board that he consistently used tracts one, two and three of the auction property as an auto auction. (Tr. 93, 109). Conley testified that he parked auction cars in all parts of the fenced-in portion of the auto auction and outside the fence in front of the auction property. (Tr. 101). Conley testified that the fencing on the auto property is in the same location as when it was installed in the 1980's. (Tr. 82). Conley testified that the aerial photographs of the auto auction showed he used all parts of the auto auction to park auction vehicles. (Tr. 101-102; IAA exhibits 11, 12, 13, 15, 16). Conley testified that the rear grassy area of the auction property was stripped of topsoil and stoned prior to 1987 to allow for the parking of auction vehicles in that area, and that grass had since grown through. Conley testified that trucks and vans were parked in that area during his use of the auto auction, and he identified auction vehicles parked in the rear grassy area in aerial photographs. (Tr. 96, 99-100; IAA exhibit 12, 15 and 16). Conley testified that the front grass area outside the fence was used for storage of auction vehicles that had been purchased during the auction and were awaiting pick up, which could be several days. (Tr. 105, 107; IAA exhibit 16). Conley's testimony was corroborated by the ZO (Tr. 197, 205), the testimony of Janet Brown (Tr. 374-375) and through aerial photographs which showed auction vehicles parked in the various areas of the auction property from 1994 through 2008. (IAA exhibits 11, 12, 13, 15, 16).

On February 26, 2015, the ZHB issued its written Findings of Fact in which it concluded that, "since in or about 2012, the non-conforming use of the Property was changed by IAA to a use different from how the land was used by the Conleys in violation of §513 of the Latimore Township Zoning Ordinance." The Board further concluded that "in addition, or in the alternative, since IAA

began doing business from and on the Property, the non-conforming use which existed prior to 2012 was both expanded and extended on the property without a special exception also in violation of the Zoning Ordinance.” The Board further concluded that “The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, NO. 247 as reenacted and amended) § 912.1 allows a ZHB, when authorized by the governing body, to grant special exceptions and ‘in granting a special exception the Board may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Act and the Zoning Ordinances,’” and the ZHB then issued a special exception to IAA for the continued use of the Property subject to five (5) separate conditions of approval of this special exception. On March 27, 2015, IAA filed the instant appeal from the ZHB’s February 26, 2015 decision.

### LEGAL STANDARD

In zoning cases where the trial court does not receive any additional evidence, the scope of review is limited to determining whether the Board committed an error of law or a manifest abuse of discretion. *In re Petition of Dolington Land Group*, 839 A.2d 1021, 1026 (Pa. 2003). The Court does not substitute its own interpretation of the evidence for that of the Board. *Pietropaolo v. Zoning Hearing Bd. of Lower Merion Twp.*, 979 A.2d 969, 976 (Pa. Cmwlth. Ct. 2009). “A conclusion that the governing body abused its discretion may be reached only if its findings of fact are not supported by substantial evidence.” *Sutliff Enterprises, Inc. v. Silver Spring Twp. Zoning Hearing Bd.*, 933 A.2d 1079, 1081 n.1 (Pa. Cmwlth. Ct. 2007). Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion. *Cardamone v. Whitpain Twp. Zoning Hearing Bd.*, 771 A.2d 103, 104 (Pa. Cmwlth. Ct. 2001).

Moreover, the Board’s interpretation of the zoning ordinance it is charged with enforcing is generally entitled to a great degree of deference. *Ruley v. W. Nantemean Twp. Zoning Hearing Bd.*, 948 A.2d 265, 268 (Pa. Cmwlth. Ct. 2008). The basis for this deference is the specific knowledge and expertise the Board possesses to interpret said zoning ordinances. *Willits Woods Assoc. v. Zoning Bd. of Adjustment City of Philadelphia*, 587 A.2d 827, 829 (Pa. Cmwlth. Ct. 1991).

An owner asserting the protected status of a nonconforming use has the burden of proving that the use pre-dated the pertinent ordinance. *Appeal of Lester M. Prange, Inc.*, 647 A.2d 279 (Pa. Cmwlth. 1994). It is the burden of the property owner to establish that the use existed before the enactment of the zoning ordinance and that the use was lawful. *Hafner v. Zoning Hearing Board of Allen Township*, 974 A.2d 1204 (Pa. Cmwlth. 2009). The property owner must provide objective evidence of the extent, nature, time of creation, and continuation of the alleged nonconforming use. *Jones v. Township of North Huntingdon Zoning Hearing Board*, 467 A.2d 1206 (Pa. Cmwlth. 1983).

### DISCUSSION

IAA alleges that the ZHB abused its discretion and committed an error of law when the ZHB concluded that IAA expanded and extended the non-conforming use of the property and that since 2012 the non-conforming use of the property was changed by IAA to a use different from how the property was used by Conley. IAA also alleges that the ZHB abused its discretion and committed an error of law when ZHB concluded that IAA both expanded and extended the non-conforming use without special exception and ZHB did not have the legal authority to grant a special exception with conditions of approval.

There is no dispute that a non-conforming use existed on the Property since before May 5, 1987. There is also no dispute that IAA's use of the property is a continuation of the non-conforming use of the Property. The dispute brought forth by the ZO in the Enforcement Notice was whether IAA had been using more, in a geographic sense, of the Property than had been used previously by Conley as part of the non-conforming use. The ZO confirmed this during his testimony before the ZHB (see Tr. 74). Prior to May 5, 1987, the Conleys used all three tracts of the Property as a single property in which they operated the auto auction. Latimore Township adopted its first zoning ordinance on or about May 5, 1987. The Zoning Officer testified that all three tracts of the Property had been actively and continuously used as an auto auction for more than 30 years, and he agreed that the auto action was a non-conforming use.



In its Findings of Fact handed down on January 26, 2015, “The Zoning Hearing Board finds the testimony of Mr. Conley to be biased, self-serving, and unreliable. This finding is supported by the ZHB’s observations of Mr. Conley’s demeanor while testifying under oath.” (Finding of Fact 19). While this Court recognizes that the ZHB is the sole judge of the credibility of witnesses and the weight afforded their testimony, see *Manayunk Neighborhood Counsel v. Zoning Bd. of Adjustment of the City of Philadelphia.*, 815 A.2d 652 (Pa. Cmwlth. 2002), such finding by the ZHB must be based upon substantial evidence contained within the record rather than a capricious disregard of evidence. See *Taliaferro v. Darby TP. Zoning Hearing Bd.*, 873 A.2d 807 (Pa. Cmwlth. 2005). See also *DeCristoforo v. Philadelphia Zoning Board of Adjustment*, 233 A.2d 561 (Pa. 1967). This Court has reviewed the entire record and finds no evidence to support the ZHB’s Finding of Fact that the testimony of Mr. Conley was biased, self-serving and unreliable. There is nothing in the record to contradict the testimony of Mr. Conley. His testimony is corroborated by the testimony of the ZO, the testimony of Janet Brown and through the various exhibits which were admitted into the record. The ZHB offered no evidence in its Findings of Fact nor brief to show that the testimony of Mr. Conley was “biased, self-serving and unreliable” and there is no testimony or evidence to support such a Finding of Fact.

To qualify as a nonconforming use, the current use must be sufficiently similar to the nonconforming use as not to constitute a new or different use. *Limley v. Zoning Hearing Board of Port Vue Borough*, 625 A.2d 54, 55 (Pa. 1993). The proposed use need not, however, be identical to the existing use; similarity in use is all that is required. *Id.* In determining what a proper continuation of a nonconforming use is, i.e., whether a proposed use bears adequate similarity to an existing nonconforming use, the doctrine of natural expansion must be given effect. *Limley*, 625 A.2d. at 56. The doctrine of natural expansion “permits a landowner to develop or expand a business as a matter of right notwithstanding its status as a nonconforming use.” *Pappas v. Zoning Board of Adjustment of the City of Philadelphia*, 589 A.2d 675, 677 (Pa. 1991). A mere increase in the intensity of a use cannot justify a finding of a new or different use. *Foreman v. Union Township Zoning Hearing*

**Board**, 787 A.2d 1099, 1103 (Pa. Cmwlth. 2001). A nonconforming use cannot be limited to the precise magnitude that existed on the day when zoning was adopted, and the owner cannot be prevented from making necessary additions to an existing structure as needed to accommodate increased trade, so long as such additions are not detrimental to the public health, safety and welfare. **Paulson v. Zoning Hearing Bd.**, 712 A.2d 785 (Pa. Cmwlth. 1998). Further, once it has been determined that a nonconforming use is in existence, an overly technical assessment of that use cannot be utilized to stunt its natural development and growth. **Chartiers Twp. V. William H. Martin, Inc.**, 542 A.2d 985, 988 (1988).

The Pennsylvania Supreme Court has held that when considering a non-conforming use, the use of the land is the sole question and that the extent, quantity, and quality of the use is immaterial. **Appeal of Haller Baking Co.**, 145 A.2d 77, 79 (1928). Use is not based upon a requisite number of transactions. *Id.* The existing use is established once there has been a utilization of the premises so that they may be known in the neighborhood as being employed for a given purpose. *Id.*

In **Cheswick Borough v. Bechman**, 42 A.2d 60 (Pa. 1945), the operators of a sand and sand loam business sought to extend their operations in depth and area. In determining that this extension of the business was proper, the Pennsylvania Supreme Court stated:

“The business carried on was the excavation of loam and sand loam. It is not essential that the use, as exercised at the time the Ordinance was enacted, should have utilized the entire tract. To so hold would deprive the owners of the use of their property as effectively as if the Ordinance had been completely prohibitive of all use. This result could not have been intended.

*Id.* at \_\_\_\_\_, 42 A.2d at 62.

In **Township of Chartiers v. William H. Martin**, 542 A.2d 985 (Pa. 1988) the operators of a land fill contained on a 160 acre facility attempted to significantly increase their daily tonnage intake at the landfill. The Township contended that the increased use of the trash site is an expansion of a pre-existing nonconfirming use that requires a zoning variance. The Pennsylvania Supreme Court ruled

“Given these parameters it would seem, as a matter of zoning law, that Chambers had an absolute right to increase the daily volume of intake, and to utilize the East Valley, without the necessity of obtaining a variance. This is so because Chambers was not changing the intended use of the property, and was not expanding the use beyond the area which was contemplated for such use at the

time the landfill became non-conforming.”

*Id* at \_\_\_\_\_, 542 A.2d at 989. The Pennsylvania Supreme Court in *Chartiers* further stated

“....., that the operator of a non-conforming use may incorporate modern technology into his business without fear of losing that business.” *Id*.

During all relevant time periods prior to June 5, 1987 and from 1987 until 2012, the Property was used as an auto auction on all three parcels of the property. Neither an increase in the number of cars on the property, nor an increase in the time each car remained on the Property by IAA after 2012, constitutes an illegal expansion of the non-conforming use. Furthermore, based on the case law set forth in *Appeal of Haller Baking, Cheswick Borough v. Bechman* and *Township of Chartiers v. William H. Martin*, IAA was entitled to use the entirety of the property as an auto auction. The ZHB does not cite to any relevant case law or statute to support its conclusion of law that IAA expanded and extended the non-conforming use of the Property.<sup>3</sup> Therefore, the ZHB erred in concluding that the continued use of the Property by IAA as an auto auction was an expansion and extension of the existing non-conforming use.

There is no evidence whatsoever to support the ZHB’s conclusion of law that “the non-conforming use of the property was changed by IAA to a use different from how the land was used (land use) by the Conleys.” The ZHB did not offer any evidence in support of its conclusion that the “use” of the Property changed because there were more wrecked automobiles on the Property after 2012. The business on the Property from the early 1980’s through 2012 was an auto auction and it continued to be an auto auction after 2012. Conley testified that he sold inoperable cars, public cars, dealers’ cars, wrecked cars and received them from, among other sources, insurance companies. The ZO corroborated that the use did not change under IAA in Township Exhibit 18, a November 12, 2013 letter from the ZO to Dr. Morrison where the ZO wrote “The property has been operating as an auto auction, not as a junk yard. One would expect there would be operable and non-

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<sup>3</sup> Inexplicably Counsel for the ZHB has not cited to any case in the ZHB’s brief to support any of the ZHB’s positions in this matter.

operable vehicles at an auto auction” (Township Exhibit 18). The ZHB offered no evidence in support of its conclusion that the “use” of the Property changed after 2012 and therefore abused its discretion in ruling that the “use” of the Property had changed.

This Court also has concerns with the actions by the ZHB in granting a special exception to IAA with specific imposed conditions of approval. This matter was initially before the ZHB based on the Enforcement Notice filed by the ZO on January 31, 2014 against IAA. Therefore, the ZHB had jurisdiction of this matter in accordance with section 909.1(a)(3) of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10909.1(a)(3). As such, the ZHB only had the statutory authority to rule upon the Enforcement Notice which was filed by the ZO on January 31, 2014. In accordance with section 909.1(a)(3) of the MPC, the ZHB lacked the authority to “grant” a special exception to IAA because no such relief had been requested by IAA and the ZHB lacked authority to impose conditions on IAA because such conditions may not be imposed in enforcement appeals. See *Paulson v. Zoning Hearing Bd. of Wallace Township*, 712 A.2d 785, 789 (Pa. Cmwlth. 1998). Because the jurisdiction of the ZHB in this case was based on the filing of the Enforcement Notice by the ZO, the ZHB lacked jurisdiction and authority to grant a special exception with conditions of approval.

Accordingly, this Court determines that the ZHB abused its discretion when it determined that IAA had changed and expanded the non-conforming use of the Property because such findings are not supported by substantial evidence. This Court further determines that the ZHB exceeded its legal authority by granting a special exception with specific imposed conditions of approval.

Therefore, for the aforementioned reasons, the Appeal by IAA presently before this Court is GRANTED and the Enforcement Notice is DISMISSED.

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 20th day of May 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-100****BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT HOME EQUITY LOAN TRUST 2003 1**

vs

**CLARENCE R. ALTICE, WENDY S. ALTICE**

PROPERTY ADDRESS: 139 GROUND OAK CHURCH ROAD, GARDNERS, PA 17324

By Virtue of Writ of Execution No.:

2015-SU-0000100

BANK OF NEW YORK MELLON

As Trustee for

CIT HOME EQUITY LOAN TRUST 2003 1

vs

**CLARENCE R. ALTICE & WENDY S. ALTICE**

PROPERTY ADDRESS: 139 GROUND OAK CHURCH ROAD, GARDNERS, PA 17324

Huntington Township

Parcel No. 22-G04-0115

JUDGMENT AMOUNT: \$142,663.35

Richard M. Squire & Associates, LLC

Bradley J. Osborne, Esq.

115 West Avenue, Suite 104

Jenkintown, PA 19046

215-886-8790

**No. 15-SU-938****LSF9 MASTER PARTICIPATION TRUST**

vs

**DANIEL M. BREAM, JR**

PROPERTY ADDRESS: 207 AND 215 MAIN STREET, ARENDTSTVILLE, PA 17303

By virtue of a Writ of Execution No.

2015-S-938

Lsf9 Master Participation Trust

vs

Daniel M. Bream, Jr

owner(s) of property situate in the Arendtsville Borough, ADAMS County, Pennsylvania, being

207 & 215 Main Street, Arendtsville, PA 17303

Parcel No. 02004-0064---000,02004-0063---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$135,108.29

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-362****CITIMORTGAGE, INC., SUCCESSOR BY MERGER TO ABN AMRO MORTGAGE GROUP, IN**

vs

**LOLA M. CLAY**

PROPERTY ADDRESS: 517 TWO TAVERNS ROAD, GETTYSBURG, PA 17325

By virtue of Writ of Execution No.

15-SU-362

CITIMORTGAGE, INC. SUCCESSOR

BY MERGER TO ABN AMRO

MORTGAGE

GROUP, INC.

vs

**LOLA M. CLAY**

PROPERTY ADDRESS: 517 TWO TAVERNS ROAD, GETTYSBURG, PA 17325

TOWNSHIP OF MT. JOY

PARCEL NO.: 30-H15-6

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$149,162.55

ATTORNEYS FOR PLAINTIFF

POWERS, KIRN & ASSOCIATES, LLC

**No. 15-SU-974****WELLS FARGO BANK, N.A.**

vs

**STEVEN W DARON, CHRISTINE R DARON**

PROPERTY ADDRESS: 385 EAST YORK STREET, BIGLERVILLE, PA 17307

By virtue of Writ of Execution No.

15-SU-974

WELLS FARGO BANK, N.A.

vs

STEVEN W. DARON

CHRISTINE R. DARON

385 E. YORK STREET A/K/A 385 EAST YORK STREET

BIGLERVILLE, PA 17307

TOWNSHIP OF BUTLER

PARCEL NO.: F 8-7

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$99,697.51

ATTORNEYS FOR PLAINTIFF

POWERS, KIRN & ASSOCIATES, LLC

**No. 15-SU-1250****JPMORGAN CHASE BANK, N.A.****S/B/M CHASE HOME FINANCE, LLC**

vs

**GLEN J. DAVIS, DONNA L. DAVIS**

PROPERTY ADDRESS: 131 EAST KING STREET, LITTLESTOWN, PA 17340

By virtue of a Writ of Execution No.

15-S-1250

JPMorgan Chase Bank, N.A. s/b/m Chase Home Finance, LLC

vs

Glenn J. Davis a/k/a Glen J. Davis  
Donna L. Davis

owner(s) of property situate in the LITTLESTOWN BOROUGH, ADAMS County, Commonwealth of Pennsylvania, being

131 East King Street, Littlestown, PA 17340-1613

Parcel No. 01-27008-0281---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$106,705.36

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-1227****JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

vs

**CATHERINE M. DENNIS, EDWARD W. DENNIS**

PROPERTY ADDRESS: 19 PINE LANE, NEW OXFORD, PA 17350

By virtue of Writ of Execution No.

15-SU-1227

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

vs

CATHERINE M. DENNIS & EDWARD W. DENNIS

19 Pine Lane New Oxford, PA 17350

Oxford Township

Parcel No: 35-008-0119-000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$182,276.60

Attorneys for Plaintiff

KML Law Group, P.C.

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

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

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

James W. Muller

Sheriff of Adams County

www.adamscounty.us

4/22, 4/29 & 5/06

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 20th day of May 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-1031****DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HOME EQUITY MORTG**

vs

**JANET MARIE DUTKA, UNITED STATES OF AMERICA**

PROPERTY ADDRESS: 167 PARK ST., BENDERSVILLE, PA 17306

BY VIRTUE OF WRIT OF EXECUTION NO.: 15-SU-1031

**DEUTSCHE BANK NATIONAL TRUST COMPANY**

As Trustee for HOME EQUITY MORTGAGE LOAN ASSET

Backed Trust Series SPMD 2002-B, Home Equity

Mortgage Loan Asset Backed Certificates Series

SPMD 2002-B

vs

**JANET MARIE DUTKA**

All that certain piece or parcel or Tract of land situate in Bendersville Borough, Adams County, Pennsylvania, and being known as

167 Park Street, Aspers, Pennsylvania 173040

TAX MAP AND PARCEL

NUMBER:03004-0033

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$179,581.49

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Janet M.

Dutka and United States of America, c/o United States

Attorney for the Middle District of

Pennsylvania

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

**No. 15-SU-760****EMBRACE HOME LOANS, INC.**

vs

**RONALD W. FRIDINGER, PATRICIA A. FRIDINGER**

PROPERTY ADDRESS: 60 HUFF ROAD, HANOVER, PA 17331

BY VIRTUE OF WRIT OF EXECUTION

NO.: 15-SU-760

EMBRACE HOME LOANS INC

vs

Ronald W. Fridinger and Patricia A.

Fridinger

All that certain piece or parcel or Tract of land situate Township of Berwick, Adams County, Pennsylvania, and being known as

60 Huff Road, Hanover, Pennsylvania 17331

TAX MAP AND PARCEL NUMBER:

04L120039000

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$151,335.44

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Ronald W.

Fridinger and Patricia A. Fridinger

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

**No. 14-SU-1228****U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE CERTIFICATEHOLDERS C**

vs

**DANIEL B. GULLICKSON, KANDY S. GULLICKSON, FUTURE**

**HOMEOWNER'S 809 TRUST, JEFF**

**PAULUS, AS TRUSTEE OF**

**THE FUTURE HOMEOWNER'S 809 TRUST**

PROPERTY ADDRESS: 104 EAST KING

STREET, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No.

14-SU-1228

U.S. Bank National Association, as

Trustee, in trust for the registered

holders of Citigroup

Mortgage Loan Trust, Asset-Backed

Pass-Through Certificates, Series 2007-

AHL3

vs

Kandy S. Gullickson

Daniel B. Gullickson

Future Homeowner's 809 Trust

Jeff Paulus, as Trustee of the Future

Homeowner's 809 Trust

Property Address: 104 E. King Street,

Littletown, PA 17340

Littlestown Borough

Parcel No.: 27-008-0189-000

Improvements thereon: Residential

Dwelling

Judgment amount: \$427,424.15

MILSTEAD & ASSOCIATES, LLC

BY: Robert W. Williams, Esquire

ID NO. 315501

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

Attorney for Plaintiff

**No. 15-SU-296****OCWEN LOAN SERVICING, LLC**

vs

**GLENN A. HENDRICKSON**

PROPERTY ADDRESS: 1855 CARROLL

TRACT ROAD, ORRTANA, PA 17353

By virtue of a Writ of Execution No.

15-S-296

OCWEN Loan Servicing, LLC

vs

Glenn A. Hendrickson

owner(s) of property situate in the HAMILTONBAN TOWNSHIP, ADAMS County,

Pennsylvania, being 1855 Carroll Tract Road, Orrtana, PA 17353

Parcel No. 18C12-0042---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$21,521.53

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 12-NO-147****LITTLESTOWN BOROUGH**

vs

**MARY JANE HILBERT, EXECUTRIX OF THE ESTATE OF CHARLES W. HARMAN**

PROPERTY ADDRESS: 730

BASEHOAR SCHOOL ROAD,

LITTLESTOWN, PA 17340

By Virtue of Writ of Execution No.:

12-NO-147

BOROUGH OF LITTLESTOWN

vs

ESTATE OF CHARLES W. HARMAN,

MARY JANE HILBERT, EXECUTRIX

730 Basehoar School Road,

Littlestown, Pennsylvania 17340

Union Township

Parcel No. 41J17-0045---000

Improvements consist of a Residential

Dwelling

Judgment Amount: \$3,650.55

Attorney for Plaintiff

Robert E. Campbell, Esquire

Campbell and White PC,

112 Baltimore Street

Gettysburg, PA 17325

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

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

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

James W. Muller

Sheriff of Adams County

www.adamscounty.us

4/22, 4/29 & 5/06

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 20th day of May 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-1157****LSF8 MASTER PARTICIPATION TRUST**

vs

**DAVID E. KEILHOLTZ, LISA ANN KEILHOLTZ**

PROPERTY ADDRESS: 721 WEST MYRTLE STREET, LITTLESTOWN, PA 17340

By virtue of a Writ of Execution No. 15-S-1157

Lsf8 Master Participation Trust

vs

David E. Keilholtz  
Lisa Ann Keilholtz

owner(s) of property situate in the ADAMS County, LITTLESTOWN BOROUGH, Commonwealth of Pennsylvania, being 721 West Myrtle Street, Littlestown, PA 17340-1137

Parcel No. 27007-0124-000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$243,396.33

Attorneys for Plaintiff

Phelan Hallinan Diamond &amp; Jones, LLP

**No. 14-SU-789****ACNB BANK, FORMERLY KNOWN AS ADAMS COUNTY NATIONAL BANK**

vs

**ELIAS N. LANGAS, JULIE A. LANGAS**

PROPERTY ADDRESS: 971 MCGLAUGHLIN ROAD, FAIRFIELD, PA 17320

By virtue of Writ of Execution No.:

2014-S-789

ACNB Bank, formerly known as Adams County National Bank

vs

Elias N. Langas and Julie A. Langas,  
a/k/a Julie A. Ritter

Property Address: 971 McLaughlin Road, Fairfield, PA 17320

Township or Borough: Liberty Township

Parcel No.: 25-D15-0033

Improvements Thereon: Residential Dwelling

Judgment Amount: \$89,275.18

Attorneys for Plaintiff: Puhl, Eastman &amp; Thrasher

220 Baltimore Street  
Gettysburg, PA 17325**No. 15-SU-837****GREEN TREE SERVICING, LLC**

vs

**PAMELA K. OLSHANSKI, THOMAS H. OLSHANSKI**PROPERTY ADDRESS: 880 KOHLER MILL ROAD, NEW OXFORD, PA 17350  
By Virtue of Writ of Execution No.:

15-SU-837

Green Tree Servicing LLC

vs

Thomas H. Olshanski and Pamela K. Olshanski aka Pamela Collins

All that certain piece or parcel or Tract of land situate Township of Oxford, Adams County, Pennsylvania, and being known as

880 Kohler Mill Road, New Oxford, Pennsylvania 17350

TAX MAP AND PARCEL NUMBER: 35J12-0037A-000

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$468,347.52

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Thomas H. Olshanski and Pamela K. Olshanski aka

Pamela Collins

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

**No. 15-SU-1419****NATIONSTAR MORTGAGE LLC**

vs

**JEROME E. RAHM, JUNE E. RAHM**

PROPERTY ADDRESS: 84

CONEWAGO PARK DRIVE, EAST BERLIN, PA 17316

By virtue of Writ of Execution No.:

15-S-1419

Nationstar Mortgage LLC

vs

Jerome E. Rahm  
and  
June E. RahmProperty Address: 84 Conewago Park Drive, East Berlin, PA 17316  
Township or Borough: Reading Township

PARCEL NO.: 36L07-0052

IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$147,878.72

ATTORNEYS FOR PLAINTIFF

SHAPIRO &amp; DENARDO, LLC

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

610-278-6800

**No. 15-SU-748****WILMINGTON SAVINGS FUND SOCIETY FSB**

vs

**TROY M. REISINGER, JAN N. REISINGER**

PROPERTY ADDRESS: 135 RIFE ROAD, EAST BERLIN, PA 17316

By virtue of Writ of Execution No. 15-SU-748

WILMINGTON SAVINGS FUND

SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2015-14BTT vs

TROY M. REISINGER &amp; JAN N. REISINGER

135 Rife Road East Berlin, PA 17316

Parcel No: (36)L07-23C

Reading Township

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$124,134.04

Attorneys for Plaintiff

KML Law Group, P.C.

**No. 15-SU-828****BANK OF AMERICA, N.A.**

vs

**DAVID A. RICHARD, SUE A. RICHARD**

PROPERTY ADDRESS: 31 LINCOLN DRIVE, HANOVER, PA 17331

By Virtue of Writ of Execution No.:

15-SU-828

Bank of America NA

vs

David A. Richard & Sue A. Richard  
All that certain piece or parcel or Tract of land situate Township of Conewago, Adams County, Pennsylvania, and being known as:

31 Lincoln Drive, Hanover, Pennsylvania 17331

TAX MAP AND PARCEL NUMBER: 01080090069

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$155,014.45

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: David A.

Richard and Sue A. Richard

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

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

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James W. Muller  
Sheriff of Adams County

www.adamscounty.us

4/22, 4/29 &amp; 5/06



## SHERIFF SALES

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**No. 15-SU-1371****WELLS FARGO BANK, NA**

vs

**DARRYL E. SCOTT, SHEILA M. PARHAM-SCOTT**

PROPERTY ADDRESS: 314 THIRD STREET, HANOVER, PA 17331

By virtue of a Writ of Execution No. 15-SU-1371

Wells Fargo Bank, NA

vs

Darryl E. Scott

Sheila M. Parham-Scott

owner(s) of property situate in the CONEWAGO TOWNSHIP, ADAMS County,

Pennsylvania, being

314 3rd Street, A/K/A 314 Third Street, Hanover, PA 17331-4909

Parcel No. 08008-0268---000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$98,972.24

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-52****U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE**

vs

**MICHAEL C. SHEEHAN**

PROPERTY ADDRESS: 19 TREETOP TRAIL, FAIRFIELD, PA 17320

By virtue of Writ of Execution No.:

15-SU-52

U.S. Bank, National Association, as

Trustee for J.P. Morgan Alternative Loan Trust 2007-51

vs

Michael C. Sheehan

Property Address: 19 Treetop Trail, Fairfield, PA 17320

Carroll Valley (formerly Hamiltonban Township)

Parcel I.D. No.: 43-002-0050-000

Improvements thereon of the residential dwelling

Judgment Amount: \$210,455.72

Attorney for Plaintiff: Stephen M.

Hladik, Esquire

Hladik, Onorato & Pearlstine, LLP

298 Wissahickon Avenue

North Wales, PA 19454

**WELLS FARGO BANK, N.A.**

vs

**SCOTT B SIPLING, TAMMY SIPLING**

PROPERTY ADDRESS: 21 MAPLE

DRIVE, HANOVER, PA 17331

By virtue of Writ of Execution No. 2015-S-567

WELLS FARGO BANK, N.A.

vs

Scott B. Sipling; Tammy Sipling

Property Address: 21 Maple Drive,

Hanover, PA 17331

Conewago Township

Parcel No. 08-022-008-000

Improvements thereon of Residential Dwelling

Judgment amount \$148,017.52

MANLEY DEAS KOCHALSKI LLC

P. O. Box 165028

Columbus, OH 43216-5028

614-220-5611

**No. 15-SU-1232****FEDERAL NATIONAL MORTGAGE ASSOCIATION**

vs

**TIMOTHY H. SMITH, DIANE J. SMITH**

PROPERTY ADDRESS: 2355 TABLE

ROCK ROAD, BIGLERVILLE, PA 17307

By virtue of Writ of Execution No. :

2015-SU-0001232

Federal National Mortgage Association

("Fannie Mae")

vs

Timothy H. Smith and Diane J. Smith

Property Address: 2355 Table Rock

Road, Biglerville PA 17307

Township or Borough: Butler

PARCEL NO.: 07,F09-0026

IMPROVEMENTS THEREON:

Residential Dwelling

JUDGMENT AMOUNT: \$124,998.64

ATTORNEYS FOR PLAINTIFF: Martha

E. Von Rosenstiel, P.C

**No. 14-SU-1400****JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

vs

**WENDY SMITH**

PROPERTY ADDRESS: 47 TOWN

CIRCLE, ABBOTTSTOWN, PA 17301

By virtue of Writ of Execution No. 2014-SU-1400

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

vs

WENDY SMITH A/K/A WENDY S.

SMITH

Property Address: 47 Town Circle

Abbottstown, PA 17301

Abbottstown Borough

Parcel No: 01,004-0097

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$159,842.79

Attorneys for Plaintiff

KML Law Group, P.C.

**HSBC BANK USA, N.A.**

vs

**SHAWN A. SPEELMAN, TAMMY R. SPEELMAN**

PROPERTY ADDRESS: 5211

CHAMBERSBURG ROAD, ORRTANNA,

PA 17353

BY VIRTUE OF WRIT OF EXECUTION

NO.: 15-SU-963

HSBC BANK USA

vs

**SHAWN A. SPEELMAN & TAMMY R. SPEELMAN**

All that certain piece or parcel or Tract

of land situate Township of Franklin,

Adams County, Pennsylvania, and

being known as:

5211 Chambersburg Road, Orrtanna,

Pennsylvania 17353

TAX MAP AND PARCEL NUMBER:

12B09-0161

FRANKLIN TOWNSHIP

THE IMPROVEMENTS THEREON ARE:

Residential Dwelling

REAL DEBT: \$192,040.50

SEIZED AND TAKEN IN EXECUTION

AS THE PROPERTY OF: Shawn A.

Speelman and Tammy R. Speelman

McCabe, Weisberg and Conway, P.C.

123 South Broad Street, Suite 1400

Philadelphia, PA 19109

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

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James W. Muller

Sheriff of Adams County

www.adamscounty.us

4/22, 4/29 & 5/06



## SHERIFF SALES

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**No. 14-SU-251  
WELLS FARGO BANK, NATIONAL ASSOCIATION**

**vs**  
**UNKNOWN HEIRS AND/OR ADMINISTRATORS OF THE ESTATE OF SCOTT A. HUBBARD**  
PROPERTY ADDRESS: 685 NEW CHESTER ROAD, NEW OXFORD, PA 17350  
By virtue of Writ of Exeuction No.: 14-S-251  
Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for BCAT 2015-13BTT

**vs**  
Unknown Heirs and/or Administrators of the Estate of Scott A. Hubbard  
Property Address: 685 New Chester Road, New Oxford, PA 17350  
Straban Township  
Parcel I.D. No.: 38110-0066-000  
Improvements thereon of the residential dwelling  
Judgment Amount: \$146,393.49  
Attorney for Plaintiff: Stephen M. Hladik, Esquire  
Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454

**No. 14-SU-667  
BANK OF AMERICA, NA**

**vs**  
**JODDIE D. WALKER, EARL G. WALKER**  
PROPERTY ADDRESS: 970 JOHNSON DRIVE, GETTYSBURG, PA 17325  
By Virtue of Writ of Execution No.: 14-SU-667  
Bank of America NA  
**vs**  
Joddie D. Walker a/k/a Joddie Walker and  
Earl G. Walker  
All that certain piece or parcel or Tract of land situate Township of Mt. Joy, Adams County, Pennsylvania, and being known as  
970 Johnson Drive, Gettysburg, Pennsylvania 17325-0000  
TAX MAP AND PARCEL NUMBER: 30-111-0040-000  
THE IMPROVEMENTS THEREON ARE:

Residential Dwelling  
REAL DEBT: \$269,929.43  
SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Earl Walker and Joddie Walker, a/k/a Joddie D. Walker  
McCabe, Weisberg and Conway, P.C.  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109

**No. 15-SU-1233  
NATIONSTAR MORTGAGE LLC**

**vs**  
**STANLEY A. WATTS, JR., WENDY S. WATTS**  
PROPERTY ADDRESS: 6335 OXFORD ROAD, GARDNERS, PA 17324  
By virtue of Writ of Execution No.: 15-SU-1233  
Nationstar Mortgage LLC  
**vs**  
Stanley A. Watts, Jr. and  
Wendy S. Watts  
Property Address: 6335 Oxford Road, Gardners, PA 17324  
Township or Borough: Huntington Township  
PARCEL NO.: 22H04-0007-000  
IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$143,250.90  
ATTORNEYS FOR PLAINTIFF SHAPIRO & DENARDO, LLC  
3600 HORIZON DRIVE, SUITE 150  
KING OF PRUSSIA, PA 19406  
610-278-6800

**No. 15-SU-1345  
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

**vs**  
**SHIRLEY LEE WILLIAMS, CO-ADMINISTRATOR OF THE ESTATE OF KAREN L. KRAFT A/K/A KAREN, EDWARD EUGENE WILLIAMS, CO-ADMINISTRATOR OF THE ESTAE OF KAREN L. KRAFT A/K/A KAREN, OCCUPANTS**  
PROPERTY ADDRESS: 529 EAST KING STREET, LITTLESTOWN, PA 17340  
By virtue of Writ of Execution No.: 15-SU-1345  
JPMorgan Chase Bank, National Association  
**vs**  
Shirley Lee Williams, Co-Administrator of the Estate of Karen L. Kraft a/k/a Karen L. Williams, deceased and  
Edward Eugene Williams, Co-Administrator of the Estate of Karen L. Kraft a/k/a Karen L. Williams, deceased  
Property Address: 529 East King Street, Littlestown, PA 17340  
Township or Borough: Littlestown Borough  
PARCEL NO.: 27006-0072A  
IMPROVEMENTS THEREON: A

RESIDENTIAL DWELLING  
JUDGMENT AMOUNT: \$101,759.09  
ATTORNEYS FOR PLAINTIFF SHAPIRO AND DENARDO, LLC  
3600 HORIZON DRIVE, SUITE 150  
KING OF PRUSSIA, PA 19406  
610-278-6800

**No. 15-SU-1144  
FEDERAL NATIONAL MORTGAGE ASSOCIATION**

**vs**  
**CHAD E. WILLS, NICHOLE L. WILLS**  
PROPERTY ADDRESS: 111 EAST MAIN STREET, FAIRFIELD, PA 17320  
By virtue of Writ of Execution No.: 2015-S-1144  
Federal National Mortgage Association ("Fannie Mae")  
**vs**  
Chad Wills a/k/a Chad E. Wills and Nichole L. Wills  
Property Address: 111 East Main Street, Fairfield PA 17320  
Township or Borough: Fairfield  
PARCEL NO.: 11,006-0024  
IMPROVEMENTS THEREON: Residential Dwelling  
JUDGMENT AMOUNT: \$178,190.30  
ATTORNEYS FOR PLAINTIFF: Martha E. Von Rosenstiel, P.C.

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

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

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

James W. Muller  
Sheriff of Adams County  
www.adamscounty.us  
4/22, 4/29 & 5/06

## SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 20th day of May 2016, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.:

**No. 15-SU-868****JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION**

vs

**MICHELLE WILSON A/K/A  
MICHELLE L. JOHNSON, IN HER  
CAPACITY AS ADMINISTRATRIX A,  
UNKNOWN HEIRS  
SUCCESSORS ASSIGNS AND ALL  
PERSONS**

PROPERTY ADDRESS: 3798  
BALTIMORE PIKE, LITTLESTOWN, PA  
17340

By virtue of a Writ of Execution No.  
15-SU-868

JPMorgan Chase Bank, National  
Association

vs

Michelle Wilson a/k/a Michelle L.  
Johnson, in Her Capacity as  
Administratrix and Heir of  
The Estate of Michael K. Markline, Sr  
Unknown Heirs, Successors, Assigns,  
and All Persons, Firms, or Associations  
Claiming

Right, Title or Interest From or Under  
Michael K. Markline, Sr, Deceased  
owner(s) of property situate in the MT  
JOY TOWNSHIP, ADAMS County,  
Commonwealth

of Pennsylvania, being  
3798 Baltimore Pike, Littlestown, PA  
17340-9596

Parcel No. 30,416-0037

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$85,828.35

Attorneys for Plaintiff

Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-1456****DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
AMERIQUEST MORTGA**

vs

**DOUGLAS L. WOLF, KIMBERLY L.  
WOLF**

PROPERTY ADDRESS: 303  
HARRISBURG STREET, EAST BERLIN,  
PA 17316

BY VIRTUE OF WRIT OF EXECUTION  
NO. 15-SU-1456

Deutsche Bank National Trust

Company,

as Trustee for Ameriquest Mortgage  
Securities Inc., Asset-Backed Pass-  
Through

Certificates, Series 2002-4

vs

**DOUGLAS L. WOLF & KIMBERLY L.  
WOLF**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN BOROUGH OF EAST  
BERLIN,

ADAMS COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 303 Harrisburg  
Street, East Berlin, PA 17316

PARCEL NUMBER: I0-004-0076

IMPROVEMENTS: Residential Property

JUDGMENT AMOUNT: \$125,995.15

UDREN LAW OFFICES, P.C.

WOODCREST CORPORATE CENTER

111 WOODCREST ROAD, SUITE 200

CHERRY HILL, NJ 08003-3620

856-669-5400

**No. 15-SU-1366****THE BANK OF NEW YORK MELLON  
F/K/A THE BANK OF NEW YORK AS  
SUCCESSOR TR**

vs

**BARBARA A. ZIEGLER, GEORGE W.  
ZIEGLER**

PROPERTY ADDRESS: 613 HERITAGE  
DRIVE, GETTYSBURG, PA 17325

BY VIRTUE OF WRIT OF EXECUTION  
NO. 15-SU-1366

The Bank of New York Mellon f/k/a The  
Bank of New York as successor trustee  
for JPMorgan Chase Bank, N.A., as  
Trustee

for the benefit of the Certificateholders  
of Equity One ABS, Inc. Mortgage Pass-  
Through Certificates Series 2003-4

vs

**BARBARA A ZIEGLER & GEORGE W  
ZIEGLER**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN MT. PLEASANT  
TOWNSHIP,

ADAMS COUNTY, PENNSYLVANIA:  
BEING KNOWN AS 613 Heritage Drive,  
Gettysburg, PA 17325

PARCEL NUMBER: 32105-0043-000

MT. PLEASANT TOWNSHIP

IMPROVEMENTS: Residential Property

JUDGMENT AMOUNT: \$239,406.17

ATTORNEY FOR PLAINTIFF:

UDREN LAW OFFICES, P.C.

WOODCREST CORPORATE CENTER

111 WOODCREST ROAD, SUITE 200

CHERRY HILL, NJ 08003-3620

856-669-5400

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

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James W. Muller  
Sheriff of Adams County

www.adamscounty.us

4/22, 4/29 & 5/06

## 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 LOUISE J. JOHNSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrices: Nancy L. Wivell, 110 Montclair Road, Gettysburg, PA 17325; Brenda L. Bruns, 20505 Little Creek Terrace, #307, Ashburn, VA 20147

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JOHN B. MOFFETT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Katherine M. Cioffi, 60 Hill Crest Road, Fayetteville, PA 17222

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

## ESTATE OF TRUDY A. WISHARD, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Personal Representative: Holly J. Fox, 1290 Old Harrisburg Rd., Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

## SECOND PUBLICATION

## ESTATE OF RUTH CAROLINE BEARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Joe A. Detrick, 23 Longview Road, Seven Valleys, Pennsylvania 17360

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

## ESTATE OF DIXIE LEE ELLIOTT, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Suzanne A. Elliott, 1800 Buchanan Valley Road, Orttanna, PA 17353

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF GERALD R. KELLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Christy L. Stokes, 2636 Emmitsburg Road, No. 34, Gettysburg, PA 17325

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

## ESTATE OF MARY C. KESSEL, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Douglas C. Kump, 25 McGinley Drive, Fairfield, PA 17320

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

## ESTATE OF IRIS MARY PARR a/k/a IRIS M. PARR, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Wendy T. Parr, 3236 Old Route 30, Orttanna, PA 17353

## ESTATE OF MARGARET B. SMITH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Personal Representative: Michael R. Smith, 59 Crestview Lane, Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JANE S. SWOPE a/k/a S. JANE SWOPE, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executors: Margaret A. Weaver, 211 Stambach Street McSherrystown, PA 17344; Francis E. Swope, Jr., 65 Franklin Drive, Hanover, PA 17331

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

## ESTATE OF HOWARD H. VANNOY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Elizabeth V. Bertram, 35 Sabre Circle, Gettysburg, PA 17325

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

## ESTATE OF JOHN W. WHITE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Daniel J. White, 762 Goldenville Road, Gettysburg, PA, 17325

## THIRD PUBLICATION

## ESTATE OF CATHERINE CONNOLLY FITZPATRICK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Margaret Louise Fitzpatrick, 2855 Telham Court, Hampstead, MD 21074

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

## ESTATE OF MILDRED D. GRZYBOWSKI, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Conrad J. Grzybowski, Jr., 231 Heritage Drive, Gettysburg, Pennsylvania 17325

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

## ESTATE OF ESTHER E. LEPPA a/k/a ESTHER ELIZABETH LEPPA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Robert L. Leppo, 440 Brickyard Road New Oxford, PA 17350; Donna Slothour, 1701 Taxville Road, Apt. 17C York, PA 17408

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

## ESTATE OF BEATRICE G. NOBILE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Adrienne N. Harner, 226 Frederick Street, Hanover, Pennsylvania 17331; Margaret N. Lindsey, 950 Westminster Avenue, Hanover, Pennsylvania 17331

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

NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE  
IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO. 16-S-163

FINANCE OF AMERICA MORTGAGE  
LLC FORMERLY KNOWN AS  
GATEWAY FUNDING DIVERSIFIED  
MORTGAGE SERVICES, L.P.  
PLAINTIFF

VS.

ARIANNA D. WHITE, IN HER CAPACITY  
AS ADMINISTRATRIX AND HEIR OF  
THE ESTATE OF AMY WHITE A/K/A  
AMY L. WHITE A/K/A AMY LYNN  
WHITE  
UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS,  
OR ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
AMY WHITE A/K/A AMY L. WHITE  
A/K/A AMY LYNN WHITE, DECEASED  
DEFENDANTS

NOTICE

TO UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS,  
OR ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
AMY WHITE A/K/A AMY L. WHITE  
A/K/A AMY LYNN WHITE, DECEASED

You are hereby notified that on February 17, 2016, Plaintiff, FINANCE OF AMERICA MORTGAGE LLC FORMERLY KNOWN AS GATEWAY FUNDING DIVERSIFIED MORTGAGE SERVICES, L.P., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 16-S-163. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 35 COLLIE TRAIL, FAIRFIELD, PA 17320-9295 whereupon your property would be sold by the Sheriff of ADAMS County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Notice to Defend:

Office of the Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
Telephone (717) 337-9846

MidPenn Legal Services, Inc.  
128 Breckenridge Street  
Gettysburg, PA 17325  
Telephone (717) 337-9846

4/22

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
NO. RT-2-2016(A)  
RT-3-2016(A)

NOTICE

TO: TABATHA MULLER

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for May 4, 2016 at 8:30 AM in Courtroom No. 1, Fourth Floor of the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to the children born on September 21, 2011 and September 21, 2012.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, Pennsylvania 17325  
Telephone Number 717-337-9846 or  
1-888-337-9846

Melissa Tanguay, Esq.  
Solicitor, Adams County Children and  
Youth Services

4/8, 15 & 22