

Adams County Legal Journal

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IN THIS ISSUE

KIMMEY VS. HERITAGE HILLS ET AL

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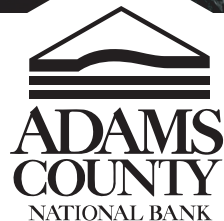
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-301 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point along the Northern side of Kime Avenue at the Southwest corner of the lot of ground designated as Lot No. 6 on the plan of lots referred to below; thence along the Northern side of Kime Avenue, South 81 degrees 45 minutes West 112.37 feet to a point; thence by land now or formerly of Robert L. Kime and wife North 8 degrees 15 minutes West, 133.66 feet to a point; thence by land now or formerly of Isabelle Hutton, North 81 degrees 30 minutes East, 112.37 feet to a point; thence by land now or formerly of Robert L. Kime and wife, South 8 degrees 15 minutes East, 134.15 feet to a point along the Northern side of Kime Avenue, place of BEGINNING.

The lot of ground hereby conveyed is designated as Lot No. 8 on a plan of lots of Paradise Heights prepared by Buchart-Horn, Consulting Engineers and Planners, said plan being revised July 14, 1972, and recorded on August 20, 1973, in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 3 at page 19.

Being the same premises which Real Estate Diversified, Inc., a Pennsylvania Corporation, by its deed dated March 9, 2007 and intended to be recorded prior hereto in the Office of the Recorder of Deeds of Adams County Pennsylvania, sold and conveyed unto Timothy E. McSparran and Buffy N. McSparran, husband and wife, the Mortgagees herein.

SUBJECT, NEVERTHELESS, to the covenants, restrictions and reservations recorded in the Adams County Recorder of Deeds Office in Deed Book 315, Page 580.

115 Kime Ave., Bendersville, PA 17306

PARCEL# (3) 3-46

SEIZED and taken into execution as the property of **Timothy E. McSparran & Buffy N. McSparran** 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 July 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/22, 29 & 6/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1694 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described piece, parcel or tract of land lying, being and situate in Reading Township, Adams County, Pennsylvania, bounded, limited and described as follows, to wit:

BEGINNING at a point in the center line of Township Road (T-574), also known as Rife Road at corner of lands now or formerly of Charles R. Nell; thence along said Township Road (T-574), also known as Rife Road, North forty-three (43) degrees six (06) minutes twenty (20) seconds West, one hundred ninety and fifteen hundredths (190.15) feet to a point at Lot No. 1 of the hereinafter mentioned Final Plan, thence North forty-nine (49) degrees thirty (30) minutes zero (0) seconds East five hundred forty-two and twenty hundredths (542.20) feet to an iron pin at lands now or formerly of James Welsh; thence

South thirty-nine (39) degrees twenty-six (26) minutes zero (0) seconds East two hundred thirty-eight (238.00) feet to an existing nail in a fence post at lands now or formerly of Charles R. Nell; thence South fifty-four (54) degrees forty-one (41) minutes zero (0) seconds West five hundred thirty-one and thirty hundredths (531.30) feet to the point and place of beginning. CONTAINING 2.630 acres.

Known as Lot No. 3 on a Final Plan prepared for Daniel J. and Judy A. Culbert, his wife, surveyed by George M. Wildasin, PLS, dated September 10, 1983 and revised May 13, 1985 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 41, page 119.

SUBJECT, NEVERTHELESS, to certain conditions, restrictions, etc. as recorded on said plan.

Being known as 35 Rife Road, East Berlin, PA 17316

BEING THE SAME PREMISES which Phomma Phanthy and Tanis A. Phanthy, married, by Indenture dated August 11, 2006 and recorded October 5, 2006 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 4595, Page 23, granted and conveyed unto Phomma Phanthy, adult individual.

PARCEL No. (36) L7-23G

SUBJECT TO MORTGAGE

SEIZED and taken into execution as the property of **Phomma Phanthy** 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 July 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/22, 29 & 6/5

KIMMEY VS. HERITAGE HILLS ET AL

1. Summary judgment is proper where the pleadings, depositions, answers to interrogatories, admissions and affidavits and other materials demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.

2. Adverse possession is an extraordinary doctrine which permits one to achieve ownership of another's property by operation of law. Accordingly, the grant of this extraordinary privilege should be based upon clear evidence.

3. The first element of adverse possession is actual possession. Without actual possession, a court does not have jurisdiction over the matter.

4. The determination of what constitutes actual possession of property for purposes of adverse possession depends on the facts of each case, and to a large extent, on the character of the premises.

5. When dealing with a woodland, a person must establish actual possession of the woodland by residence or cultivation of a part of the tract of land to which the woodland belongs.

6. Where it is merely a tree line separating two adjoining parcels, the stricter standard that applies to woodlands would likely not be applicable.

7. The use of land for lawn purposes and the continuous maintenance thereof in connection with a residence, it has been held, are sufficient to establish adverse possession.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 07-S-914, ROBERT L. KIMMEY AND CAROL M. KIMMEY VS. HERITAGE HILLS, LLLP, DEFENDANT, AND HERITAGE HILLS, II, ADDITIONAL DEFENDANT.

Joseph E. Erb, Jr., Esq., for Plaintiffs

John J. Murphy III, Esq. for Defendants

Kuhn, P.J., September 4, 2008

OPINION ON ADDITIONAL DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Presently before the Court is the Additional Defendant's Motion For Summary Judgment filed July 25, 2008. For the reasons stated herein, said Motion is denied.

FACTUAL AND PROCEDURAL BACKGROUND

On September 19, 1979, Plaintiffs became record owners of a parcel of land at 15 Windsor Court, Germany Township, Adams County, Pennsylvania. On March 29, 2004, the Additional Defendant, Heritage Hills II (hereinafter "HH II"), became record owner of a parcel of land adjacent to Plaintiffs' property but situated in the Borough of Littlestown, Adams County, Pennsylvania. The physical border

between Plaintiffs' property and that of HH II is a tree line. At some point between 1979 and 2001 Plaintiffs entered a .15 acre portion of the tree line on HH II's property (hereinafter "disputed property") and made certain improvements. In 2001 Plaintiffs placed a fence on the disputed property; a shed was placed in 2002. On July 23, 2007 a representative of HH II contacted Plaintiffs and directed them to remove the shed and fence from the disputed property. (**Answer Ex. B**). On August 8, 2007 the Borough of Littlestown contacted HH II and informed it that the fence and shed had been placed without the issuance of a building permit. (**Answer Ex. H**).

On August 1, 2007 Plaintiffs filed a Complaint against Heritage Hills, LLLP alleging it was record owner of the disputed property and that Plaintiffs had gained title through adverse possession. On August 27, 2007 HH II filed an Answer and New Matter alleging that it was the owner of the disputed property and had no association with Heritage Hills, LLLP. On January 3, 2008 HH II filed a Motion to Dismiss for failure to join an indispensable party and failure of Plaintiffs to file a response to New Matter. The Motion was denied by Judge Michael A. George on January 16, 2008 and Plaintiffs were directed to file an Amended Complaint joining HH II. The Amended Complaint was filed on February 7, 2008.¹

Plaintiffs allege that the property owned by HH II is part of the Appler Subdivision and is the only land remaining in the subdivision to be developed. Plaintiffs contend that shortly after their purchase of the property in 1979, and in order to remedy an infestation problem, they entered the land now owned by HH II, cleared a portion of it to the tree line (the disputed property) and developed it by planting grass and incorporating a portion of it into their backyard. They allege that since 1979 they have landscaped the disputed property, maintained it, mowed the lawn, and placed the shed and fence.

Plaintiffs assert they have been in continuous possession of the disputed property since 1979. They claim perimeters of the disputed property, as shown by a purported survey, are set out by fence posts (**Amended Complaint Ex. C**) and, commencing on or about

¹ The Amended Complaint continues to make allegations against Heritage Hills, LLLP, whose relationship with HH II is unknown. Because the allegations are in reality made against the owner of the disputed property, the Court will ignore this semantic error. References to the "Defendant" in the Amended Complaint will be treated as references to HH II.

September 19, 1979, and continuing uninterrupted through the present, their use and possession has been actual, continuous, exclusive, visible, notorious, distinct, and hostile. Furthermore, they assert that neither HH II nor its predecessor in interest have been in possession of the disputed property since 1979 and, therefore, since September 19, 2000 they have held title by adverse possession.

On February 20, 2008 HH II filed an Answer and New Matter to the Amended Complaint. HH II alleges it is without information sufficient to form a belief as to the truth or falsity of Plaintiffs' alleged entry and improvement of the disputed property. It further alleges that Plaintiffs have not been in continued possession and that no subdivision recorded with the Office of Recorder of Deeds or survey plan indicates any encroachment, fence, shed or other structures.² HH II asserts that Plaintiffs have never paid taxes on the disputed property, have never sought building permits, both the shed and fence are less than 8 years old, and the fence is decorative in nature and does not enclose the disputed property.³ They further assert that the purported survey submitted by Plaintiffs, which allegedly shows the perimeters of the disputed property, is not in fact a survey because it contains no metes and bounds, scale, reference to adjacent landowners, or surveyor certification. HH II claims that it, and its predecessors, have at all times continually owned and possessed the disputed property and paid real estate taxes. HH II denies any claim that Plaintiffs have met the elements of adverse possession.

In New Matter HH II alleges that the Amended Complaint fails to state a claim upon which relief can be granted, is barred by the doctrines of laches, waiver and estoppel, and consent, is based on illegality and trespass, fails to state consideration and is barred by the statute of limitations.

HH II alleges that on March 29, 2004 it purchased 62.400 acres more or less adjacent to Plaintiffs' property for residential development. HH II claims the disputed property is in a secluded, wooded and undeveloped portion of the parcel. It avers that Plaintiffs have

²HH II also submitted four surveys conducted between 1994 and 1999 certified by Group Hanover, Inc., which it claims do not show any encroachment, shed, fence or other visible, open, or notorious structure, nor hostile use adverse to the legal owners. (**Answer Exs. D-G**).

³Additional Defendant's Exhibit C indicates that the fence is not the type that would necessarily keep someone off the property. It does appear to be decorative in nature.

never filed an affidavit of ownership of the disputed property, never sought subdivision approval, have not cultivated any portion of the property, and their use is sporadic.

HH II claims that on or about July 20, 2007, Harry P. McKean, on its behalf, advised Plaintiffs that they were trespassing and directed them to remove any structures on the disputed property. Counsel for HH II also wrote to Plaintiffs on July 23, 2007 advising them to remove all structures.

In its Motion for Summary Judgment⁴ HH II asserts that Plaintiffs have not produced sufficient evidence to establish all the elements of adverse possession. Plaintiffs acknowledge that they have the burden of proving adverse possession but deny that they have not alleged sufficient facts to support such a claim. Plaintiffs admit that HH II purchased the property in 2004 and that they have not filed an affidavit of ownership, but deny that HH II and its predecessors have continually possessed the disputed property throughout the statutory period. Plaintiffs admit receiving the aforementioned correspondence from HH II.

Plaintiffs deny that the disputed property is in a secluded area. Plaintiffs do, however, aver that the disputed property has been cleared and planted as a lawn and serves as an extension of their back yard. They also assert that the disputed property is visible from Windsor Court.⁵ While they acknowledge that no subdivision plan has been recorded showing an encroachment, fence, shed, or other structure indicating an assertion of ownership, they allege that the clearing of the disputed property, planting of grass, and continuous maintenance of it as a lawn constitutes notice despite the lack of a subdivision plan. Plaintiffs deny the claims that they have not cultivated the land or that their use of it has been sporadic.

Plaintiffs also admit that the fence and shed were not installed until 2001 and 2002, respectively, and that no municipal permit was sought for their construction. They also acknowledge that while the fence may be decorative, it does mark and enclose the perimeter of the disputed property. To support this assertion Plaintiffs point to the alleged survey submitted with the Amended Complaint. Plaintiffs

⁴ On July 25, 2008 HH II filed a Motion for Summary Judgment. Plaintiffs responded on August 14, 2008. HH II further responded on August 25, 2008.

⁵ Windsor Court appears to be a road passing in front of Plaintiffs' residence.

aver this document is a survey and despite the absence of metes and bounds it does provide square footage and acreage. Plaintiffs allege that the survey was conducted by C.S. Davidson, Inc., on February 3, 2005. Plaintiffs state they have no knowledge of the alleged surveys conducted between 1994 and 1999.

DISCUSSION

Summary judgment is granted whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense and the moving party is entitled to judgment as a matter of law. Pa.R.C.P. 1035.2; *Wolloch v. Aiken*, 815 A.2d 594, 595 (Pa. 2002), *Harber Philadelphia Center City Office Ltd. v. LPCI Ltd. P'ship, LCCO*, 764 A.2d 1100, 1103 (Pa. Super. 2000). The purpose of Rule 1035.2 is to eliminate cases prior to trial where a party cannot make out a claim or defense after discovery has been completed. *Wolloch*, 815 A.2d at 596. The party moving for summary judgment has the burden of proving that there is no genuine issue of material fact. *Citicorp Mortgage, Inc. v. Morrisville Hampton Vill. Realty Ltd. P'ship*, 662 A.2d 1120, 1122 (Pa. Super. 1995). This Court must resolve all doubts against the Additional Defendant, as the moving party, and examine the record in a light most favorable to Plaintiffs, as the non-moving party. *Id.* Summary judgment is proper where the pleadings, depositions, answers to interrogatories, admissions and affidavits and other materials demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Flannery v. Stump*, 786 A.2d 255, 257 (Pa. Super. 2001).

Adverse possession can only be awarded when the party can prove it had actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the land in question for 21 years. *Conneaut Lake Park, Inc. v. Klingensmith*, 66 A.2d 828, 829 (1949). Each of these elements must exist for possession to confer title. *Id.* “Adverse possession is an extraordinary doctrine which permits one to achieve ownership of another's property by operation of law. Accordingly, the grant of this extraordinary privilege should be based upon clear evidence.” *Stump*, 786 A.2d at 258. “An adverse possessor must intend to hold the land for himself, and that intention must be made manifest by his acts...He must keep his flag flying and present a hostile front to all adverse possessors.” *Klos v. Molenda*, 513 A.2d 490, 492

(Pa. Super. 1986) (citations omitted). HH II asserts that Plaintiffs have shown no evidence of any of the elements of adverse possession.

The evidence before the Court does show that Plaintiffs and HH II are adjoining land owners. It also indicates that at some point Plaintiffs did enter the disputed property, which now belongs to HH II, and made certain improvements. A fence was constructed in 2001 and shed placed in 2002. The only evidence of the length or location of the fence is in the purported survey submitted by Plaintiffs. (**Amended Complaint, Ex. C**). The fence was certainly not designed to keep people out, but there is some evidence that it marks the perimeters of the disputed property. No subdivision plan has been filed with the Office of the Recorder of Deeds and no publicly recorded document indicates a shed, fence, or any other structure, on the disputed property. The evidence does show that the disputed property is in an area with a number of trees and some overgrown brush. The specific land in question does appear to be undeveloped. HH II's evidence shows that the Plaintiffs' home is visible through the tree line on HH II's property, the shed is visible from the roadway in front of Plaintiffs' home, and the decorative fence is visible from a portion of HH II's property. (**Answer, Ex. C; Summary Judgment Motion, Exs. 1-6**). The evidence further shows that there has been some effort at clearing the disputed property area, however, the timing of that clearing is unknown. Plaintiffs assert the clearing was done shortly after their purchase of the property in 1979 and that they have continually mowed and landscaped that area. However, no other evidence has been offered to support this claim. Furthermore, it is not evident from the exhibits that the clearing of branches and tree limbs has been recent.

The first element of adverse possession is actual possession. Without actual possession, a court does not have jurisdiction over the matter. *Bride v. Robwood Lodge*, 713 A.2d 109 (Pa. Super. 1998). Superior Court has held:

Broadly speaking, actual possession of land is dominion over the land; it is not equivalent to occupancy. There is no fixed rule, however, by which the actual possession of real property by an adverse claimant may be determined in all cases. The determination of what constitutes actual possession of property for purposes of adverse

possession depends on the facts of each case, and to a large extent[,] on the character of the premises.

Fred E. Young, Inc. v. Brush Mountain Sportsmen's Ass'n, 697 A.2d 984, 990 (Pa. Super. 1997).

HH II asserts the land in question is undeveloped woodland. Regarding woodland, Superior Court has held:

In fact, when dealing with a woodland, a person must establish actual possession of the woodland by residence or cultivation of a part of the tract of land to which the woodland belongs. (citation omitted). Actual possession may thus be established by enclosing and cultivating the tract of land of which the woodland is a part without erecting a residence; or possession may be established by erecting a residence where there is a clear designation of the boundaries of the land surrounding such residence. (citations omitted).

Where inclosure is essential to the finding of actual possession, it must be complete and so open and notorious as to charge the owner with the knowledge thereof. (citation omitted). The inclosure must also be appropriate to fit the premises for the purposes to which they are adapted. (citation omitted). If the barriers are sufficient to indicate clear dominion over the premises, and to give notoriety to the claim of possession, it is sufficient to start running the twenty-one year period required for adverse possession.

Moore v. Duran v. Duran, 687 A.2d 822, 828-29 (Pa. Super. 1997).

As Superior Court has indicated, actual possession of the disputed property is absolutely necessary for this Court to have jurisdiction. HH II would have the Court classify the disputed property as being woodland and therefore apply the stricter standard of adverse possession claims against woodland. The evidence does show that the disputed property is in an area with a number of trees. However, it certainly does not seem to be woodland as contemplated by the rule. Rather, the evidence strongly suggests that it is merely a tree line separating two adjoining parcels. Accordingly the stricter standard that applies to woodlands would likely not be applicable.

The documents before the Court suggest there are issues of fact to be fleshed out. In deciding a Summary Judgment motion, our

purpose is not to evaluate the relative merits of the Plaintiffs' claim. Rather, our job is to determine whether there is no genuine issue of material fact so that the moving party is entitled to judgment as a matter of law. In this matter, I do find there is a genuine issue of material fact. With regard to actual possession, the evidence clearly shows that Plaintiffs have placed a fence and shed on the disputed property. Although neither was placed until at least 2001, that does not destroy Plaintiffs' claim. "The use of land for lawn purposes and the continuous maintenance thereof in connection with a residence, it has been held, are sufficient to establish adverse possession." *Klos v. Molenda*, 513 A.2d 490, 492 (Pa. Super. 1986) (citation omitted).⁶ There is a factual issue about when Plaintiffs entered and cleared the disputed property. If Plaintiffs have maintained the lawn in the manner in which they assert, they may have established adverse possession based on *Klos*. Accordingly, because this factual issue exists, summary judgment would not be appropriate at this time.

HH II argues that in relying on *Klos*, the Plaintiffs ignore the open and notorious element of adverse possession. Our Courts have said, as in *Klos*, that planting and cultivating grass in a developed area can obtain open and notorious status. *Ewing v. Dauphin County Tax Claim Bureau*, 375 A.2d 1373, 1375 (Pa. Commw. 1977). HH II argues this land was not developed. That is a question of fact that is not apparent from the evidence submitted. While it appears that the

⁶In *Klos*, the Plaintiffs purchased a tract of land in 1950. Rather than conducting a survey, Plaintiffs measured their property lines by pacing the lot and placing stakes in the ground to mark the boundary between their lot and the adjoining lot. The Plaintiffs built a home and poured a concrete sidewalk which extended to the stakes. They also installed a driveway, the edge of which was 30 inches from the line designated by the stakes. In the intervening 30 inch strip they placed top soil and planted grass which they maintained continuously until the events leading to the litigation. In either 1956 or 1957 the Plaintiffs planted a hedge along the staked property line which remained in place until 1981 or 1982 when it was partially removed. The remaining hedge lines were removed in 1984. Sometime after 1983, the adjoining property owner hired a surveyor to locate the property line. The line landed along the edge of the driveway. The adjoining property owner constructed a fence along the driveway, through the area once occupied by the hedge. The Court found that evidence showed that Plaintiffs had continuously maintained the 30 inch strip from 1952-1984 and lawn maintenance was prevented by the fence. The Court found that Plaintiffs had established the elements of adverse possession.

Although the facts in *Klos* were more fleshed out than they are here, the Court by no means indicated that evidence somewhat less complete would not meet the threshold for adverse possession based upon lawn maintenance and care.

particular portion of land in question is in a tree line that does not lead to the obvious conclusion that it is undeveloped. The record shows there is some form of subdivision plan in place in this area which would suggest the area as a whole is developed even if this small portion of the property contains large vegetation. The Court cannot say as a matter of law that the disputed property is in an undeveloped area, and therefore cannot say that the cultivation of a lawn on the disputed property would not be open and notorious.

Additionally, a number of factors HH II presents to support its motion are irrelevant to the determination of whether Plaintiffs have established the elements of adverse possession. The Plaintiffs' failure to seek a building permit prior to constructing the fence or shed is not fatal to their adverse possession claim. There is no evidence before the Court that such permits are required in the subject municipality. The failure to pay taxes, while perhaps a relevant factor, also does not necessarily defeat Plaintiffs' claim.

Regarding the remaining elements of adverse possession there are also clear factual disputes at issue. The record is unclear as to when the Plaintiffs actually entered, how frequently they mowed the lawn or what type of landscaping was done. If the facts are as Plaintiffs assert, then the possession could have been continuous, exclusive, visible, notorious, distinct, and hostile. Certainly Plaintiffs' claims would be stronger had they submitted supporting documentation, such as affidavits or depositions, about what exactly they have done with the disputed property since 1979, but that is not the issue here. The issue is whether if we accept all of the Plaintiffs' allegations as true is there a genuine issue for trial. I believe there is.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 4th day of September, 2008, for the reasons set forth in the attached Opinion, the Additional Defendant's Motion for Summary Judgment filed July 25, 2008 is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1706 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, together with improvements thereon erected, lying and being situate on the South side of the Lincoln Highway in Franklin Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING on the South side of the Lincoln Highway at a corner of land now or formerly of Edward C. Smith, known as Lot No. 17 on plan hereinafter referred to: thence with the said Lincoln Highway, South 81 degrees East 100 feet to the corner of another lot now or formerly of Edward C. Smith, known as Lot No. 20 on said plan; thence by said lot known as Lot No. 20, South 9 degrees West 300 feet to a corner of other land now or formerly of Edward C. Smith; thence by same North 81 degrees West 100 feet to the corner of land now or formerly of Edward C. Smith, known as Lot No. 17; thence by said Lot No. 17 North 9 degrees East 300 feet to the corner of the Lincoln Highway, the place of BEGINNING. Being lot Nos. 18 and 19 on a survey for Harry A. Marshall prepared by John E. McElroy, surveyor, dated April 26, 1922.

Map and Parcel ID: (12) A09-77

TITLE TO SAID PREMISES IS VESTED IN Gerald D. Thomas and Brenda S. Thomas, husband and wife, by deed from Gerald D. Thomas and Brenda S. Thomas, his wife dated April 14, 1989 and recorded April 18, 1989 in Deed Book 519, Page 920.

Being Known As: 6270 Chambersburg Road, Fayetteville, Pennsylvania 17222.

SEIZED and taken into execution as the property of **Gerald D. Thomas & Brenda S. Thomas** 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 July 6, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/22, 29 & 6/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1297 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of ground, situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of the cul-de-sac of Judy Way at corner of Lot No. 16 on the hereinafter referred to subdivision plan; thence along said Lot No. 16, North eighty-five (85) degrees, thirty-one (31) minutes, thirty-two (32) seconds East, one hundred twenty-one and twelve hundredths (121.12) feet to a point on line of land designated as the 'well lot'; and at corner of Lot No. 20; thence along Lot No. 20, South twenty-five (25) degrees, five (05) minutes, forty-seven (47) seconds West, one hundred forty-one and thirty-four hundredths (141.34) feet to a point on Lot No. 20A; thence along Lot No. 20A, North sixty-four (64) degrees, fifty-seven (57) minutes, eleven (11) seconds West, one hundred eleven and twenty hundredths (111.20) feet to a point on line of Lot No. 14; thence along Lot No. 14, North twenty-eight (28) degrees, fifteen (15) minutes, twenty-two (22) seconds East, twenty-five and eighty hundredths (25.80) feet to a point on the right-of-way line of Judy Way; thence along the cul-de-sac of Judy Way by a curve to the left, the radius of which is fifty (50.00) feet, for an arc distance of 59.53 feet, the long chord of which is North twenty-nine (29) degrees, thirty-eight (38) minutes, five (05) seconds East, fifty-six and eight hundredths (56.08) feet to the point and place of BEGINNING.

The above description was taken from a final plan of Nobles Ridge by Worley Surveying dated December 18, 2000 and recorded in Adams County Plat Book 79, page 57, being Lot No. 15 thereon.

Together with all buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and any reversions,

remainders, rents, issues and profits thereof, and of every part and parcel thereof, including any interests specifically set forth, if any. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the Grantor of, in and to the same.

To Have And To Hold the same premises, and the appurtenances, hereby granted to Grantee and Grantee's heirs, successors and assigns, to and for the only proper use, benefit and behoove of the said Grantee and Grantee's heirs, successors and assigns forever, under and subject to the conditions set forth, if any.

And The Said Grantor hereby covenants and agrees that Grantor will warrant specially the property hereby conveyed.

Under And Subject, nevertheless to the same condition, restrictions, exceptions and reservations as exist by virtue of prior recorded instruments, deeds and conveyances.

It Being The Same Premises which John Ted and Frank Gebbart, CO-Partners t/d/b/a New Oxford Enterprises, by their deed dated November 14, 2002 and recorded in the Office of The Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 2907, Page 295, granted and conveyed unto Smokehouse, LLLP, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Thomas E. Bell, Sr. and Carmen H. Bell, by Deed from Smokehouse, LLLP, a limited liability partnership, dated 07/11/2003, recorded 08/29/2003 in Book 3274, Page 121.

Tax Parcel: (06) 005-0136

Premises Being: 15 Judy Way, Gettysburg, PA 17325-7983

SEIZED and taken into execution as the property of **Thomas E. Bell, Sr. & Carmen H. Bell** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1702 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Southeastern side of Pennsylvania Route #234 and a corner of land now or formerly of A. Richard and Shirley F. Butler, said point being located approximately 3,800 feet from the Biglerville Square, the intersection of Pennsylvania Route #234 and Pennsylvania Route #34; thence extending along the Southeastern side of Pennsylvania Route #234, North 61 degrees 45 minutes East 90.00 feet to a point at a corner of lands now or formerly of George F. Sturgeon; thence extending along same, and passing through an iron pin set back 8.48 feet from the beginning of said course, South 27 degrees 23 minutes East 187.08 feet to an iron pin at a corner of lands now or formerly of Lester and Estella Van Arsdale; thence extending along same, South 63 degrees 12 minutes West 90.00 feet to an iron pin at a corner of land now or formerly of A. Richard and Shirley F. Butler; thence extending along same, and passing through an iron pin set back 8.48 feet from the end of said course, North 27 degrees 23 minutes West 184.80 feet to the first mentioned point and place of BEGINNING, CONTAINING 16,742 square feet.

The above description was taken from a draft of survey prepared for Jerry D. McDaniel and Gloria J. McDaniel by Richard W. Boyer, R. S., dated August 26, 1976, and bearing Drawing No. 0876-152.

TITLE TO SAID PREMISES IS VESTED IN Steven W. Daron and Christine R. Daron, h/w, as tenants of an Estate by entireties, by Deed from Allen Hartzell and Angela K. Hartzell, formerly Angela K. Taylor, h/w, dated 07/24/1992, recorded 07/24/1992 in Book 635, Page 961.

Tax Parcel: (07) F08-0007

Premises Being: 385 East York Street, Biglerville, PA 17307-9587

SEIZED and taken into execution as the property of **Steven W. Daron & Christine R. Daron** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1661 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the Southwest side of the Hanover-Carlisle State Highway in Huntington Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the State Highway aforesaid at lands now or formerly of Robert F. Fair, also known as Lot No. 5; Thence by Lot No. 5, South 51-1/2 degrees West, 180 feet to a point at an alley; thence by said alley, North 38-1/2 degrees West, 60 feet to a point at lands now or formerly of Harry H. Plank, also known as Lot No. 3; thence by Lot No. 3, North 51-1/2 degrees East, 180 feet to a point at the State Highway aforesaid; thence by said Highway, South 38-1/2 degrees East, 60 feet to a point, the place of BEGINNING.

It being known as Lot No. 4 on plan of lots laid out by Daniel Plank.

BEING the same premises which Rhonda Renee Hardman, an unmarried person, by her deed dated November 30, 1999, and recorded in the office of the Recorder of Deeds in and for Adams County in Record Book 1961, Page 0330, granted and conveyed to Stephen R. Zink and Jamie H. Zink, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN John J. Kauffman and Rebecca A. Kauffman, h/w, as tenants of an estate by the entireties, by Deed from Stephen R. Zink and Jamie H. Zink, h/w, dated 01/29/2007, recorded 02/05/2007 in Book 4732, Page 157.

Tax Parcel: (22) I04-0069

Premises Being: 8486 Carlisle Pike, York Springs, PA 17372-9516

SEIZED and taken into execution as the property of **John Joseph Kauffman & Rebecca A. Kauffman** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on March 6, 2009 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is INN 94 ENTERPRISES, INC. The registered office is at 4805 Carlisle Pike, New Oxford, Adams County, Pennsylvania 17350-9738. The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

Steve C. Nicholas, Esquire
Nicholas Law Offices, P.C.
2215 Forest Hills Drive, Suite 37
Harrisburg, PA 17112-1099
(717) 540-7746

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1520 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin off the Eastern edge of Township Road T-458 (Chestnut Hill Road), at corner of land now or formerly of William Hilker; thence along said eastern edge of Township Road T-458, North 18 degrees 01 minute 14 seconds West, 115.00 feet to an iron pin at corner of other land now or formerly of Paul J. Foltz, designated as Lot No. 3 on the hereinafter referred to draft of survey; thence by said Lot No. 3, North 71 degrees 58 minutes 46 seconds East, 250.00 feet to an iron pin on line of other land now or formerly of Paul J. Foltz; thence by said other land of Paul J. Foltz, South 18 degrees 01 minute 14 seconds East, 116.79 feet to an iron pin on line of land now or formerly of William Hilker aforesaid; thence by said land of William Hilker, and passing through an existing iron pin set back 15.11 feet from the next mentioned point, South 72 degrees 23 minutes 26 seconds West, 250.00 feet to a point off the eastern edge of Township Road T-458 (Chestnut Hill Road), the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Bernard McVicker, a married man, by Deed from June E. McVicker, dated 06/24/2002, recorded 07/09/2002 in Book 2724, Page 244.

Tax Parcel: (41) K17-0099

Premises Being: 430 Chestnut Hill Road, Hanover, PA 17331-9025

SEIZED and taken into execution as the property of **Bernard McVicker** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the

purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1678 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a 50-foot right of way at Lot No. 1; thence by lot, North 12 degrees 49 minutes 50 seconds East, 206.56 feet to Lot No. 2; thence by said lot, South 77 degrees 10 minutes 10 seconds East, 260 feet to Lot No. 4; thence by said lot, South 12 degrees 49 minutes 50 seconds West, 200 feet to a point at other lands now or formerly of Frank Robbins; thence by said lands, North 77 degrees 10 minutes 10 seconds West, 222.03 feet to a point in the center of said 50-foot right of way; thence in the center of said 50-foot right of way, North 86 degrees 58 minutes 35 seconds West, 38.53 feet to the place of BEGINNING.

Being Lot No. 3 on a draft of survey dated February 26, 1973, prepared by Donald E. Worley, Surveyor, and recorded in Adams County Plat Book No. 2 at Page 60.

TITLE TO SAID PREMISES IS VESTED IN Jason A. Kline, by Deed from J. Mark Cropp, joined by his wife, Donna R. Cropp and Marci L. Cropp, unmarried, dated 06/08/2007, recorded 06/08/2007 in Book 4867, Page 132.

Tax Parcel: (12) C09-0062

Premises Being: 4585 B Chambersburg Road, Biglerville, PA 17307-9531

SEIZED and taken into execution as the property of **Jason A. Kline** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 08-S-1362
JURY TRIAL DEMANDED

JAMES A. DERR and PENNY DERR,
Plaintiffs

vs.

JAMES R. MILLER, Defendant

NOTICE OF PUBLICATION

TAKE NOTICE that on September 1, 2008, James and Penny Derr, filed a Complaint against the above named Defendant, James R. Miller docketed to No. 08-S-1362, for injuries sustained in an automobile accident which occurred on January 12, 2008.

THE COMPLAINT requests the Court to enter judgment against you for compensatory damages.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the Complaint, you must take action within twenty (20) days after publication of this Notice, 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 judgment may be entered against you by the Court without further notice for any money claimed in this matter or for any other claim or relief requested by the Plaintiff. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

Lawyer Referral Service
Adams County Bar Association
117 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 337-9846

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ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF MARY JUNE CHRONISTER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Wilda Warner, 235 Knoxlyn Road, Gettysburg, PA 17325

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

ESTATE OF CLYDE R. LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Lanny M. Laughman, 20 Rosewood Lane, Bolton, CT 06043

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

ESTATE OF VELMA A. WARNER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Joanne L. Warner, 900 Yellow Hill Rd., Biglerville, PA 17307

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

SECOND PUBLICATION**ESTATE OF DALE J. LUX, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Yvonne J. Callaway, 13026 Roundup Avenue, San Diego, CA 92129

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF TERRI LYNN MOORE a/k/a TERRI L. MOORE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Eustace Hagley, Jr., P.O. Box 343, Littlestown, PA 17340

Attorney: Victor A. Neubaum, Esq., 42 South Duke Street, York, PA 17401

ESTATE OF WILLIAM H. ORTMAN, JR., DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administratrices: Linda Darlene Ortmann, 6320 Baltimore Pike, Littlestown, PA 17340; Falon E. Ortmann, 155 Crest View Drive, East Berlin, PA 17316

Attorney: John J. Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF NANCY JANE SENTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Michael Sentz, 409 Littlestown Road, Littlestown, PA 17340

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

THIRD PUBLICATION**ESTATE OF MILDRED E. LITTLE, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Eugene F. Little, 2035 East Berlin Road, New Oxford, PA 17350; Theresa A. Shank, 205 Browns Dam Road, New Oxford, PA 17350

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

ESTATE OF IRVIN W. WEIGANDT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Benny M. Akers, 480 Cold Spring Rd., Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1751 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground with the improvements thereon erected, situate in the Borough of Littlestown, County of Adams, and Commonwealth of Pennsylvania, being Lot No. 13 on Plan of Lake View Subdivision, Section 1, being known as No. 531 Lake View Circle, more particularly described in accordance with a survey made by Thomas & Associates, Hanover, Pennsylvania, dated 27 September 1978, File No. A-45, as follows, to wit:

BEGINNING at a bolt set on the Northeast side of Lake View Circle (fifty (50) feet wide), a corner of Lot No. 14 on above mentioned plan; thence extending from said beginning bolt and measured along line of Lot No. 14, North forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds East, one hundred twenty-five and no one-hundredths (125.00) feet to an iron pipe in line of lands now or formerly of Paul Niesley; thence extending along same, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, eighty and no one-hundredths (80.00) feet to an iron pipe, at corner of Lot No. 12 on above mentioned plan; thence extending along same, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, one hundred twenty-five and no one-hundredths (125.00) feet to a bolt on the Northeast side of Lake View Circle, aforesaid; thence extending along same, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, eighty and no one-hundredths (80.00) feet to a bolt, the first mentioned bolt and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN James F. Waggoner and Ruth E. Waggoner, h/w, as tenants by the entireties, by Deed from Gary Del Cameron, II and Arlene E. Cameron, h/w,

dated 03/15/2004, recorded 3/25/2004 in Book 3505, Page 82.

Tax Parcel: (27) 012-0033

Premises Being: 531 Lakeview Circle, Littlestown, PA 17340

SEIZED and taken into execution as the property of **James F. Waggoner & Ruth E. Waggoner** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1763 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of June, 2009, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being Lot No. 343 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Sunfish Trail as Lot No. 344; thence by said lot North 34 degrees 9 minutes 14 seconds East, 270.08 feet to lands of Wilbur F. Sites; thence by said lands and by Lot No. 337 South 59 degrees 4 minutes 35 seconds east, 100.16 feet to Lot No. 342; thence by said lot South 34 degrees 9 minutes 14 seconds West, 275.72 feet to a

point in the center of said Sunfish Trail; thence in said Sunfish Trail North 55 degrees 50 minutes 46 seconds West 100.00 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled 'Section K, Charnita' dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at Page 42.

SUBJECT to all restrictions, conditions and reservations more fully described in Deed Book 272, page 376.

BEING THE SAME PREMISES WHICH Karen L. Gray, now by marriage Karen L. Smith, married woman, by Deed dated January 23, 2006, recorded January 25, 2006, at Instrument #200600001742, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Karen L. Smith, married woman, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Karen L. Smith and James E. Smith, Jr., w/h, as tenants by the entireties, by Deed from Karen L. Smith, married woman, joined by James E. Smith, Jr., her husband, dated 10/31/2006, recorded 11/03/2006 in Book 4631, Page 26.

Tax Parcel: (43) 004-0006

Premises Being: 18 Sunfish Trail, Fairfield, PA 17320-8514

SEIZED and taken into execution as the property of **Karen L. Smith & James E. Smith** 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 July 10, 2009, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/29, 6/5 & 12

THE ADAMS COUNTY DOMESTIC RELATIONS SECTION IS MOVING

The Adams County Domestic Relations Section will be moving to their new facilities on June 2-5, 2009. The office will be closed during this period of time.

The new address will be Domestic Relations Section, 123 Baltimore Street, Gettysburg, PA 17325. It will be next door to the Courthouse, the former American Legion Building. The telephone number for the office will remain the same.

5/15, 22 & 29